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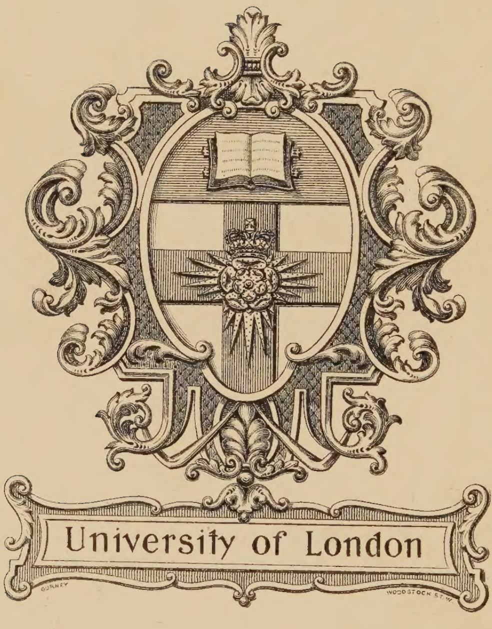

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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

6° VICTORIÆ, 1843.

VOL. LXVIII.

COMPRISING THE PERIOD FROM
THE TWENTY-SEVENTH DAY OF MARCH,
TO
THE EIGHTH DAY OF MAY, 1843.

Third Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1843.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *THIRD SESSION* OF THE *FOURTEENTH*
PARLIAMENT OF THE UNITED KINGDOM OF *GREAT*
BRITAIN AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 2 FEBRUARY,
IN THE SIXTH YEAR OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, March 27, 1843.

MINUTES. BILLS. *Public.*—2ª· Consolidated Fund.
Reported.—Mutiny; Marine Mutiny.
Private.—1ª· Bercot and Oxford Navigation.
2ª· Warwick and Leamington Railway; Liverpool Gas; Staffordshire and Worcestershire Canal.

PETITIONS PRESENTED. By the Bishops of Salisbury, and Chester, from Salisbury, the Archdeaconry of Wilts, Crewkerne, Shaston, Kirby-in-Kendel and Lonsdale, Sarum, Hartfield, Withyham, Frant, East Grimstead, Rotherfield, and Malpas, against the Union of the Sees of St. Asaph and Bangor.—By the Bishop of Chester, from Bolton, Bolsover, Scarcliffe, and Malpas, for Church Extension.—By Lord Cottenham, from Norwich, and Lord Feversham, from Whitby, against the Bankruptcy Law Amendment Act.—From the Hon. and Rev. William Capel, Watford, Rickmansworth, Abbots Langley, and Sarratt, against the Tithe Commutation Act.

OCCUPATION OF TAHITI.] The Marquess of *Lansdowne* said that, seeing the noble Earl at the head of the Foreign Office in his place, he wished to take this opportunity of putting a question to him on a subject which had been the cause of great anxiety—he must say, of very natural anxiety—to a most numerous and respectable class of persons in this country: he meant those persons who were connected with that group of islands in the Pacific, the principal of which was Tahiti, and which island, recently under a treaty, had been occupied, and authority exercised there by the French. It would be most probably known to most of their Lordships that, for a great many years past, a very great improvement in the civilisation and religious instruction of the inhabitants of these islands, amounting, he believed, to a population of 150,000, had been occasioned by persons, who, from benevolent and religious motives, had taken up their residence there, and who, having acquired a considerable influence over the natives—that influence had now extended so far as to have induced the inhabitants entirely to change their habits of life—to introduce education, to found schools, which were now numerous there, and in every other respect greatly to benefit the condition of these inhabitants. In stating that to be the fact, he by no means intended to say that any legal authority or dominion had, either on the part of these persons or on the part of the Government of this country, been acquired in these islands. He did not mean to say that it was not open—that it was not now open to the government of France by treaty, to obtain either sovereignty or the right to exercise authority in any one of these islands. He was not one of those who viewed with jealousy, at least with unnecessary jealousy, any attempt on the part of the French government to extend its system of colonization; but admitting such to be the right of France to the full extent to which we ourselves had exercised that right, it must be, at all events, a matter of anxious observation; it could not be in any case a matter of indifference, to see on what ground and under what circumstances, that right was exercised; and, above all, to see that it was not exercised in a manner inconsistent with that protection which was due to her Majesty's subjects residing in any part of the globe, and especially to that portion of her Majesty's subjects who had such well founded claims on the protection of the parent Government as those persons had, who, by their exertions, had materially benefitted the population of those islands. The question, therefore, which he wished to put to his noble Friend was, whether he had received any explanations and assurances on the subject—explanations and assurances which would satisfy his noble Friend that English subjects already settled in Tahiti, or having occasion hereafter to settle in those regions, would obtain from the French authority to be exercised there that degree of protection, which was justly their due, and that they would not be subjected to any unjust treatment, or, above all things, to expulsion from those islands? He felt confident that the answer of his noble Friend would be satisfactory in that respect, for he confided, not only in the character of the French Sovereign, but, in this instance, in the personal character, virtues, and principles, of the eminent individual who was the chief adviser of his Majesty the King of the French; and was convinced that they would not adopt any system, the effect of which would be to obstruct the current of civilisation from prevailing in those regions, or attempt to introduce any other system but that which he was sure this country had alone sought to introduce, in taking possession of any colony or country under the same circumstances.

The Earl of *Aberdeen* said that her Majesty's Government had certainly received intelligence of the events to which the noble Marquess had just referred, but he was not sufficiently informed of the precise grounds upon which the French government had acted, or of complaints made against the authorities in those islands, which had led to the convention, to be able to give any explanation upon the subject, nor was he called upon to express any opinion at present respecting the transaction. He entirely agreed with the noble Marquess, in being one of those who looked with no apprehension to the establishment of the French in those seas. He did not apprehend that our commercial or political interests would be affected by the French going thither. On the contrary, he thought he could perceive reasons which induced him to view their establishment with satisfaction, and from it to anticipate advantageous results. He was ready to admit to the noble Marquess, that those who had been the means of civilizing and converting the natives of those islands from idolatry to Christianity, ought to receive the utmost attention at the hands of her Majesty's Government; and as soon as he was informed of the occupation—(occupation it was not, for the French had not occupied the island, for, as he understood the convention was for a protectorship to be exercised by the French King, without the island being occupied by a French force)—as soon as he was informed of the facts, he lost no time in making representations to Paris on the subject, and he was happy to say that those representations were met with the most unqualified assurance, that every degree of protection and encouragement would be afforded to the British missionaries residing in those islands. He might also say, that, by one of the articles of the convention, giving the protectorship to the French King, it was expressly stipulated that protection should be given to all the places of worship at present existing, and that the fullest liberty would be given to the missionaries to exercise their functions in the islands. The attention of the French government having been called to the subject, and sharing with his noble Friend in the confidence to be reposed, not only in the King of the French himself, but in the minister who, at this moment, was the principal adviser of that Monarch, he could not entertain any doubt that the missionaries would be protected in the discharge of their praiseworthy labours. Indeed, the same demand had been made in the French Chambers by a Protestant Member of the Legislature, who very naturally felt himself interested in the success of the labours of the missionaries, and he had received from the French minister the most unqualified assurance to the effect which he had already stated. The noble Marquess must be well assured that the attention of her Majesty's Government would continue to be applied to this subject—to the protection of the interests of the persons to whom the noble Marquess had alluded, and that all due care would be taken to procure for them every freedom and every privilege which could reasonably be expected.

Adjourned.

HOUSE OF COMMONS,

Monday, March 27, 1843.

Minutes.] New Writ. For the City of Durham, in the room of Captain Fitz Roy, Governor of New Zealand.

New Member Sworn.—Fitz Roy Kelly, Esq., for Cambridge Borough.

Bills. *Public.—Reported.*—Registration of Voters.

3^{o}. and passed:—Turnpike Roads (Ireland).

Private.—2^{a}. Temperance Friendly Society; Hull Waterworks; Liverpool Docks; Anderton Carrying Company; Aberdeen Harbour; Berwick-upon-Tweed Corporation; Belmont Reservoir; Bolton Waterworks; Schoolmasters Widows Fund (Ireland); Borrowstounness Harbour and Improvement.

Reported.—Cockermouth Roads; Trentham Roads.

3^{o}. and passed: — Lady Fleetwood's Naturalization; Samwell's Name; Oxford and Bercot Navigation.

Petitions Presented. By Mr. Tancred, from Harmony Hall, for Home Colonization.—By Messrs. Brotherton, Greene, Dr. Bowring, and Sir G. Strickland, from Lostock, Rumworth, Ainsworth, Tong, Heaton, Sharples, Horwich, Edgworth, Sabden, Higham, Barrowford, Burnley, Little Hutton, Breightmet, and Cottom, for the Total and Immediate Repeal of the Corn-laws.—By Mr. Brotherton, Mr. V. Smith, Lord John Russell, Mr. Greene, and Lord R. Grosvenor, from Newbury, Manchester, Holme Mill, Welford, and Tattenhall, against the Factories Bill.—By Mr. Darby ,from Lladdmiolan; and Hartfield, against the Union of the Sees of St. Asaph and Bangor.—By Mr. T. Duncombe, from Nottingham, Kirkdale, and James Mitchel, against the Conduct of the Magistracy during the late Disturbances.—By Sir G. Strickland, Mr. Christopher, Lord F. Egerton, and Capt. Polhill, from Wainfleet, Wakefield, Preston, Oldham, and Bedford, against the Ecclesiastical Courts' Bill.—By Mr. Ferrand, from Letham, against Machinery, and from Bishop Auckland, against the Truck System.—By Mr. Grogan from the Royal College of Surgeons (Dublin), for Inquiry into the Medical Charities in Ireland.—By Mr. E. Tennent, from Newry, against the Pawnbrokers (Ireland) Bill.—By Mr. Colville, from Scarcliffe, and Balsover, for Church Extension.—From Stratford-upon-Avon and from an Anti-Slavery Society at Bridgewater against Portions of the American Treaty.—From Coventry, Warwick, and Leamington Brewers, for Relief from Surcharges.—From London, against the Repeal of the Mines and Collieries Act.—From Cambridge, against the Income-tax,—From George Julian Harney, for Inquiry into his case.—From the Limerick Union, against the Irish Poor-law.

Glasgow Police.] Mr. *Oswald*, seeing the right hon. Gentleman the Secretary of State for the Home Department in his place, asked whether it were the intention of her Majesty's Government, during the present Session of Parliament, to introduce a bill for the regulation of the police within the Parliamentary districts of Glasgow?

Sir *J. Graham* replied, that the hon. Gentleman must be aware that there were already three private bills before the House for the regulation of the police of Glasgow and its suburbs. Now, considering that Glasgow is the second city in point of population in the empire, it did appear advisable to her Majesty's Government, with the assent of the rate-payers, to introduce an uniform system of police in Glasgow and its suburbs; at the same time they were quite aware that the efficiency of such police would much depend on the assent of the rate-payers to the rate to be laid. He was sorry to learn, that great excitement prevailed in that city, in consequence of the announcement that Government intended to introduce a general measure. It was the anxious wish of her Majesty's Government, to make an arrangement with a more general concurrence. To pass the bills now before Parliament, unless precautions were taken, would be a serious bar to such an arrangement. He was perfectly willing to declare, on the part of her Majesty's Government, that during the present Session they would not attempt to force a general system of police on Glasgow; but he would propose in each separate measure before the House to introduce clauses of suspension with regard to the criminal police, declaring they should only endure till it should be by Parliament otherwise provided. It would then be open to Parliament, notwithstanding these local acts, to pass a general measure. If he did not succeed in introducing such clauses, of course it would be open to him to proceed, even during the present Session, with a general bill.

Supply — Civil Contingencies—Fisheries, &c.] House in committee of Supply.

On the motion that 110,000*l.* be granted for civil contingencies.

Mr. *W. Williams* said, that there were a great number of items in these charges, which ought not to be paid by the public. The cost for foreign ambassadors was already enormous, and here he found a sum of 19,800*l.* for extras during this year. A comparison with the United States made this charge most striking, and yet it was admitted that no country was better served, there were no men of higher character, integrity, and fitness, than the foreign ministers of the United States. The cost of our foreign ministers with the extras this year, was 205,900*l.* for the pay and expences of twenty-six persons: the United States employed twenty-two persons, and the whole cost was only 28,200*l.*: the difference between the cost of the two countries, was perfectly monstrous, and yet if there were a difference, the Americans had persons of superior talents, and generally outwitted the ministers of other countries. There were some embassies to the petty states of Germany, for which large sums were expended, and which were totally uncalled for. What could we want with a chargé d'affaires at the petty court of Wirtemberg? Yet we had one who cost 3,257*l.* this year. The chargé d'affaires in Saxony cost 3,350*l.*, and the cost of our representative at the little state of Tuscany last year amounted to 3,265*l.* The ministers of this country at these petty states cost nearly twice as much as the American representatives at this court, or at the courts of France, Russia, Prussia, Constantinople, or any of the other great courts. The consuls were quite capable of performing all the civil duties required at these small courts. There were other charges in this vote to which he should decidedly object. He found a charge incurred by Lord Wilton for going to the court of Saxony to invest the sovereign with the Order of the Gartar, amounting to 1,117*l.* Was it not a reflection upon the British nobility that they could not convey a mark of honour from her Majesty to a foreign king, without coming upon the overtaxed people of this country to be paid for it? 53*l.* was charged for his passage to Rotterdam, a passage which ordinarily took twenty or twenty-four hours, and cost 2*l.* to each person; and then there was a charge of 65*l.* for his journey from Rotterdam to Dresden. Such a charge as this ought not to appear upon the public accounts against the people of this country. The next was a very heavy charge of 7,680*l.* for extra expences incurred in the embassy at Constantinople, independent of the pay of the ambassador, and those with him—the whole cost this year not being less than 16,230*l.* Then was an extra charge of 1,591*l.* for the passage of Sir Charles Bagot to Canada. Had there ever been seen such a charge for conveying a governor? When he took the items, it appeared ridiculous to allow them. There was 180*l.* for the remainder of allowance for the cost of passage, and an item of 911*l.* for the conveyance of Sir Charles Bagot's baggage from New York to Canada. This charge was perfectly astounding: there must be some mistake in it. There was besides a charge of 500*l.* for sending a steamer from Quebec to Halifax. If that were necessary, why did not the governor take his baggage with him? If he had so done, the country would have saved the 911*l.* Then there was a charge of 835*l.* for the robes, collars, and badges of the knights of the several orders—a charge which he was at a loss to know why the public should pay, instead of the parties upon whom her Majesty conferred the distinction. And there was also a charge of the same character, that of 242*l.* for heralds and pursuivants' commutation, in lieu of insignia and tabards, and a charge of 229*l.* for a marshal of the ceremonies. What on earth did the public gain by that? Then he must call the attention of the House to a charge of 1,921*l.* for the clothing supplied to the trumpeters of the two regiments of Life Guards. If there were any ground for that charge at all, it appeared that the proper place for it was the army estimates. Then there was a charge of 55*l.* for altering the arms of the Prince of Wales. Now, the Prince had large revenues arising from the Duchy of Cornwall, and the expense ought to be charged upon those revenues. The total of the Household expences was 6,539*l.*, and he should feel it his duty to propose a reduction to the extent of those items he had pointed out.

Sir *George Clerk* said, that in reply to the question of the hon. Gentleman, why a separate vote was not taken on each of the six branches, he could only say that the paper was an account of the manner in which the sum of 130,000*l.* voted last year, for civil contingencies had been expended. The hon. Member had objected to the payment of the foreign ministers;

but those payments were made under the authority of regulations made in 1831, when the noble Lord, the Member for Tiverton, was in office. The present payments were in strict conformity with those regulations, and the allowance to those persons was seldom more than necessary for actual expenditure. In regard to the complaint made by the hon. Member of the expense incurred by the special mission, for the purpose of investing the King of Saxony with the order of the Garter, and to the remark he made that no Member of the English nobility could be found to undertake that mission, without saddling the country with the expense, he could only say, that he believed that Earl Wilton had declined to receive anything for his services, and that the sum in question was to meet the necessary expenses of the king-at-arms, heralds, and other officers, who had accompanied the noble Earl to perform the ceremonial. If the hon. Member would refer to former accounts of the civil contingencies, where there had been charges for special missions, for similar purposes, he would find, that none had been conducted at a less expense. The hon. Member had also expressed his surprise at the amount of passage-money on that occasion, being 53*l.* from London to Rotterdam. The facts were these; Earl Wilton, Garter-king-at-arms, and other officers, embarked for the purpose of going, not to Rotterdam, but to Hamburgh, a voyage of fifty or sixty hours. The expenses allowed to the captain of the vessel were in accordance with the regulations framed by the Board of Admiralty, in respect to vessels engaged in the public service. In consequence of bad weather, the vessel was engaged three days at sea, and at last, not being able to reach Hamburgh, was obliged to put in at Rotterdam. The expense, therefore, was not incurred under ordinary circumstances, but in consequence of the weather. The hon. Member had likewise commented upon the expense of the embassy to Constantinople; but if the hon. Member had looked into the items he would have seen that the amount was increased by a charge of 2,750*l.*, for the salaries of dragomans, and a great part of that expense was incurred for the purpose of affording education to students in the Turkish language, who might afterwards be attached to the embassy, and that was one of the most important changes that had been introduced into diplomatic arrangements. Another large portion of the expense arose from the necessity of paying a large rent for official residences, the embassy having been destroyed by fire. A new building was, however, in preparation, and when completed, the country would be relieved from that charge. With respect to the conveyance of the baggage of Sir C. Bagot, it was true the expense was larger than on similar occasions, but the reason was this. In consequence of the death of Lord Sydenham, it became necessary to appoint a governor in Canada immediately. An accident happened to the vessel in which Sir C. Bagot embarked, and the expense of outfitting had to be incurred again, and a vessel hired to convey the Governor. No blame, however, could possibly be attached to Sir C. Bagot for that. As to the expense of 835*l.* for the badges and collars of the knights, it had been the custom from time immemorial for the Sovereign, when conferring a distinction of the kind, to present the knight with the decorations. Those decorations, were, however, afterwards returned by the families of deceased knights, and the expense was for repairing them. The charge of 1,921*l.* for the clothing of the trumpeters of the Life Guards was not annual, it was only for the dresses to be worn on state occasions, and was made about once in three years. The dresses were supplied by contract, and the lowest tender had been taken; moreover, the term "trumpeters" included all the band. When the new arrangement of the civil list was made, it was thought proper that all these disbursements should no longer be charged upon the civil list, but should form a charge to be defrayed by the public, and since 1815 the practice had been to place them in the civil contingencies. In regard to the Prince of Wales's christening, it had been thought becoming that that ceremony should be performed in one of the sacred edifices of the country, and no place was thought more eligible than St. George's chapel. A heavy expense had been incurred in fitting up the chapel for the occasion. The expense had been greater in consequence of the visit of the King of Prussia, and the time of year at which the ceremony had taken place. Altogether the entire vote was 20,000*l.* less than last year, and 5,000*l.* less than the year preceding.

Captain *Pechell:* On several occasions he had sought information on the subject of the Channel Fisheries, and the reply had generally been that, to give that information would be detrimental to the public service. In the year 1839, the noble Lord, the late Secretary of State for Foreign Affairs, effected a treaty with France for regulating the fisheries on the coasts of the two countries, and a commission was appointed, in order to lay down certain rules upon which an act of Parliament was to be founded. There was great praise due to the noble Lord. He (Captain Pechell) wished to know what was the existing state of the question with regard to France at this moment.

Sir *G. Clerk* believed, that very shortly the arrangement of the commissioners would be in a complete state, and that a bill founded upon them would be introduced during the present Session of Parliament.

Captain *Pechell* wished to know, if that point made by the French Government, that the fishing boats of France should be allowed to enter within the three miles of ground ceded to this country, had been insisted upon. That point had been urged by the French, and resisted by the noble Lord (Lord Palmerston).

Viscount *Palmerston* said, the question was whether, in the negotiations now going on, the commissioners had come to any agreement on the point that had been stated by the hon. and gallant Member. The treaty between the two countries contained an article by which each country reserved, exclusively for the use of its own subjects, the right to fish within three miles of its own coasts. Certain rules were then framed for the guidance of the fishermen when they met. The French commissioner had, indeed, requested that in those regulations should be contained an article permitting the French fishing boats to enter and station themselves within our limits, although the exclusive use of the water within those limits was reserved to our own boats. That point was reserved for further consideration. It was, however, obvious, if the French boats were permitted to enter and station themselves within those limits, such a permission would annul the article in the treaty, by which the exclusive right was reserved for our own fishermen. France, by her present law, not only prevented our boats from entering within three miles of her coast, but even went beyond what might be justified by the international law, for he believed she prevented the approach of the boats within six miles. Now, if the proposal of the French commissioner had been for mutual privileges, we should not get the worth of what we gave, and he thought that the negotiation should stand on its original footing. If the French boats were allowed to enter and station themselves within the three miles, we could have no security that they would not violate the treaty within those limits by fishing. Great facilities for smuggling, moreover, would be afforded by such a permission, and the spirit of our revenue laws would be violated.

Sir *Robert Peel* said, that this fishery question was one, like many others which he had found not brought to a final close. It was a question very likely to cause collision, and the present Government had attempted to bring it to a satisfactory conclusion. He had every reason to hope that an arrangement would be shortly concluded, and as soon as it was complete, the whole should be laid upon the Table of the House. But no hon. Member had a right to take up a particular point, and, before a final arrangement had been made, to ask what the Government intended to do upon that point. When the whole arrangement was made, he should lay it before the House, so as to enable them to judge whether it was satisfactory, and to the interests of the country, or not.

Viscount *Palmerston* said, the right hon. Baronet had been pleased to say, that the present was one of many questions which the late Government had left unsettled, but he begged leave to remind the right hon. Baronet that it was one of the questions which the Government to which the right hon. Baronet belonged had left unsettled. The late Government, he might observe, had settled the oyster question. [*Laughter.*] Hon. Gentlemen might laugh at the name, if they pleased, but he assured them they would not have laughed at the difficulties of that question, nor at the war which it might have given rise to. The question had been in dispute since the peace of 1815, and when the right hon. Baronet opposite was Home Secretary, it had been pending some time. Now, although some mere incidental matter had been left unsettled by the late Government, yet that Government had obtained from the French Government a treaty of great importance, settling the limits of the fishing between Jersey and the coast of France, which had caused serious disputes. That was not all; they had not only settled the limits of the oyster fisheries, but a question that had never been attempted before—the right of general fishery. If the right hon. Baronet had no better subject of exultation than this question, which he had been unable to settle during the year and a half he had been in office, he certainly did not envy him.

Sir *Robert Peel* said, he had made it no subject of exultation; he had stated a simple fact. The question had long been subject to dispute; but from 1815 to 1827 the noble Lord would recollect that he was himself connected with the Government. [Viscount *Palmerston:* Not in the Cabinet.] No! not in the Cabinet, but the noble Lord was Secretary-at-war. When he was Secretary of State he was not aware that there was any danger of conflict arising from the subject, and he had given entire credit to the noble Lord for having made a permanent arrangement of the principle. What he had said, was, that it had been left to certain commissioners to ascertain and determine certain details—that those details were not settled when the noble Lord left office. He said that there was reason to hope for an amicable adjustment. The state, however, in which the noble Lord had left the question was as pregnant with difficulty as in 1828 and 1829. He (Sir R. Peel) repeated, that it was not right for any hon. Member to ask questions relative to the intentions of Government on a particular point of an arrangement when the whole was not finally completed.

Viscount *Palmerston* said, that the right hon. Baronet was mistaken in saying that the commission had been appointed to regulate all the details of the fisheries. The treaty settled two things finally, and those two things were the matters out of which the collision had arisen. The temporary arrangement made in 1822 had not had the effect of preventing collisions, for after that collisions occurred as often as before. The first great source of difference was, that our fishermen had trespassed upon the limits of the French oyster fisheries, and the ground of excuse was, that the French limits were too extensive, and those limits excluded our men from grounds on which they could fish with advantage. The late Government obtained from the French an extension of the limits, and that put an end to those points of difficulty and dissatisfaction. But there was another question which had never been touched upon by the right hon. Baronet, namely, the encroachment of the French fishermen within three miles of the shores of this country. Upon that point the late Government had concluded with France a most satisfactory arrangement, by which each country retained the sole right of fishing within that limit from its own coast. There were also some regulations respecting the manner in which the fishermen were to treat each other if they met. The only point left was, that the French commissioners asked to allow the fishing boats of that nation to anchor within three miles, which, if assented to, would virtually cancel the most important article of the treaty. He thought that it would be better that no regulations of the kind alluded to should be made, but of course, after what had been said by the right hon. Baronet with respect to the probable settlement of this question, he could not press for any explanation as to the proposed regulations. All that he meant to say was, that the main matters of dispute had been settled by the treaty.

Sir *Robert Peel* said, that something else besides the mere articles of the treaty were absolutely necessary, and as such was the case the regulations were being framed, and as soon as they were concluded they should be laid on the Table of the House. It was not, however, to be expected, that he could go into an explanation of parts of those regulations when the whole question was in the course of settlement.

Colonel *Sibthorp* wished to know why this country was called on to pay the expenses of the Prince of Saxe Coburg on his voyage to this country, and of the Duchess of Victoria in her journey from Malaga to Gibraltar. He thought that those foreigners who were in the habit of coming over here from the Continent ought to pay their own expenses. Again, it appeared that those foreigners, when they landed in this country, were allowed to smuggle goods to any amount. Their persons were considered sacred, and they were exempted from all those liabilities to which British subjects were exposed. He believed, too, that foreigners did not smuggle goods for their own use, as was usually the case with Englishmen; but their goods were usually consigned to waiters and parties at the different inns, and sold by those persons for the benefit of the foreigners. Now, he saw no reason why this exemption should be allowed, and why foreigners should not be liable to the payment of the same customs duties as Englishmen.

Mr. *Hume* deprecated the desultory manner in which the House was in the habit of disposing of the miscellaneous estimates and civil contingencies. There were upwards of 200 items in the estimates before the House, very many of which required explanation, and he must again, for the twentieth time, submit to the right hon. Baronet the propriety of having these estimates examined by a committee before they were presented to the House. There was scarcely any part of the world in which such a course was not pursued, and with the best possible results. Perhaps the House was not aware of the amount of money voted in this desultory manner. They would be that night called on to vote, and, in all probability, there would be voted 2,938,000*l.* It was impossible that any man, whatever his talents and opportunities, to ascertain the nature of all the items that that sum included. To many of those items they were obliged to object, and yet they could get no information respecting them. The hon. Member then pointed out some of the items which he thought particularly liable to objection. To defray the expense of the mission of the Earl of Wilton and Sir C. Young to Dresden, to invest the King of Saxony with the order of the Garter, he found a charge of 1,065*l.* What Government, he should be glad to know, would pay so much as we did for sending these baubles to distinguished foreigners? 603*l.* for the voyage of the Bishop of Jerusalem to Jaffa was an item of which he should like to have some explanation. Another item of a similar nature was 911*l.* for conveying Sir C. Bagot from New York to Canada, with a second charge of 180*l.*, and a charge of 500*l.* as remuneration to Messrs. Cunard, for losses incurred in conveying Sir C. Bagot to Quebec. These were charges of the justice of which it was impossible for him to judge without some additional information. As it was they appeared to him very excessive. He also objected to 344*l.* to Captain Sir E. Parry for remuneration and expenses while employed in an inquiry respecting the Caledonian Canal; to 385*l.* to Mr. Walker, the engineer, for services connected with Leith harbour; to 634*l.* to a commission for revising the offices of the Dublin courts; to 3,313*l.* for expenses incurred by the Government of the Cape of Good Hope and Mauritius on account of refugees; and also to some of the charges defrayed by officers of the household, amounting to 6,539*l.*, much larger than in former years. There was a charge of 2,753*l.* for the trial of Mr. M'Leod in the United States. Now, he did not see why he should not have been allowed to pay his own expenses. Mr. M'Leod had boasted in a public company at New York that he had been one of those who had destroyed the *Caroline.* He must also object to the item of 2,341*l.* to pay fees for passing declared accounts, and for compensation in lieu of fees to officers of the Exchequer. After the reform which had taken place in the Court of Exchequer he wished to know why the country was to be put to the expense of paying the Exchequer officers for passing their own accounts; and whether the fees were not abolished. 577*l.* for erecting the Bishoprics of Barbadoes, Antigua, Guiana, Gibraltar, and Tasmania, was a charge he should like to have explained; for they had been told that the bishops would be appointed in those cases without a penny expense. This was a breach of faith, and he hoped the correspondence on the subject would be produced. The amount issued for the relief of the distress in the western districts of Ireland was 3,036*l.* Now, he did not object to this, but he wished to know under what circumstances it was paid? When an application was made for a grant on account of the distress in Scotland, they were told that no money could be given. If there was no money for the distress in Scotland, where did this money for Ireland come from? There was a number of other items which he should wish to see explained, but he would not detain the House by enumerating them. He was convinced that there could be no satisfactory explanation laid before the House until the Government consented to refer these estimates to a committee, to be there examined and then reported to the House.

Sir *Robert Peel* begged to point out to the hon. Gentleman that this was not an estimate, but an account of money actually spent. The House last year, as usual, voted to the Government a sum to meet unforeseen expenses. And the Government had, he would submit, shown themselves not altogether unworthy of the confidence thus placed in their discretion, by retaining unexpended no less than 15,000*l.* of the sum which had been placed at their disposal. He differed, therefore, from the hon. Gentleman as to the advantage of appointing a committee to inquire into accounts of this nature, for he believed the best possible check against the abuse of a discretionary power was to publish every item of the expenditure, as had been the case in the present instance, and to invite the sort of questioning which the Government was now submitted to. As to the advance of 3,000*l.* for relieving the distress in the West of Ireland, of which the whole details should be readily given if Parliament required it, although he was aware that it was not desirable generally to make advances of public money, yet they could not always abide by that rigid rule. The potatoe crop had entirely failed, and deep distress and much disease had been the result; and the Government had the great satisfaction of believing that by the comparatively small expenditure of 3,000*l.* they had alleviated many of those evils at the time when they were most pressing, and he felt convinced that the House would justify them in that expenditure. As to the accounts generally, he was sure that hon. Gentlemen opposite would admit that her Majesty's Government had endeavoured to simplify them to the utmost, and they had also deprived the Government, which he thought was desirable, of much of its discretionary power, by including many items in the regular estimates, which were formerly included in the vote for civil contingencies. With respect to the charge of 343*l.* connected with the Caledonian Canal, however unwise the speculation might have been, it had gone on so far, and the question was whether the works should be destroyed, which would cost 40,000*l.*, or whether the undertaking should be completed, which would cost 150,000*l.*? Before the Government decided upon the point it was obviously necessary that the actual state of things should be ascertained by survey, and accordingly Captain Parry, an eminent officer, was sent down for that purpose. He received no salary for this service, and the amount of which the hon. Gentleman complained was merely the sum of 343*l.* which the gallant officer's actual expenses amounted to. The hon. Gentleman would hardly say that Captain Parry should be called upon to pay his own expenses when employed on the public service. With respect to the cost of Lord Wilton's special mission, here, too, the only sum which the House was called upon to sanction was that which the noble Lord's actual expenses of the journey came to; for he received no salary or payment himself upon the occasion. The hon. Member had spoken of the Order of the Garter as a bauble, but it was an honour coveted by the Sovereigns of Europe, and in this ancient monarchy he did not think the public feeling would altogether agree with the feeling expressed by the hon. Member. At all events, when the Sovereign of these realms sent such an Order to the head of the house of Saxony, he thought it was at least right to send it in a becoming manner, and even the hon. Member, however, anxious for economy, would scarcely recommend that the insignia should have been packed in straw, put in a box, and transmitted by the mail coach. [Mr. Hume, it might be sent to the resident minister for presentation]. That would not be decorous, though it would not be so bad as sending it direct per mail. The hon. Gentleman complained, among these estimates, of a number of new charges; but these were precisely the charges which, by act of Parliament, had been removed from the civil list, and ordered to be placed among the estimates, in order that each might be scrutinized. As to the charge of conferring the Order of St. Patrick upon Prince Albert, this was one of those charges which heretofore would have equally been defrayed by the public; the only difference was, that it was now placed among the estimates, whereas formerly it would have been placed amongst the civil list charges. The suggestion for abolishing the fees of heralds, and paying them by salaries, would be attended with no public advantage, but would rather add to the charge upon the public. The hon. Gentleman complained of the 2,500*l.* which was charged towards defraying the expenses of christening the Prince of Wales. The hon. Gentleman seemed to imagine that the revenues of the Duchy of Lancaster belonged to the Prince of Wales, but this was a mistake: it was the revenues of the Duchy of Cornwall which were an appanage of that prince. During the minority of the last Prince of Wales the Crown received the whole of the revenues; but in the present case her Majesty had directed that the whole of these revenues should be put aside, in order to make a future provision for the Prince of Wales. As to the 2,500*l.* in question, no doubt the committee was called upon to sanction the payment of that amount towards the charge of celebrating the christening of the heir apparent of these realms, and it was a contribution, he was sure, the public would most readily approve of. No doubt her Majesty, had she thought fit, might have had the ceremony performed in entire privacy in her own apartments; but her Majesty was desirous that it should be celebrated in public, in a consecrated place, thus setting an example of the highest importance to her subjects. The King of Prussia came over to this country for the sole purpose of taking a part in this ceremony; and the compliment his Majesty thus paid us, and his whole demeanour while with us, had endeared him personally to the people of this country. With the exception of the 2,500*l.* now objected to, in so very unexpected a manner, the whole of the heavy expenditure which had been incurred on this occasion was defrayed out of the privy purse; as were also all the expenses of her Majesty's visit to Scotland, which, in the case of the visit to that kingdom of George IV., were defrayed by the public. In addition to this large extra outlay—at a period, too, when the necessary expenses of her private establishment were so largely increasing—the Queen had also, as he had already mentioned on several occasions, taken upon herself, equally with her subjects, the payment of the Income-tax upon the whole of her revenue. Her Majesty exhibited the sincerest desire to meet the exigencies of the country. The sum charged for the conveyance of Sir Charles Bagot would hardly be repudiated by the committee. Although in delicate health, and when the weather was most tempestuous, that gallant officer had, in the most zealous manner, consented to take his departure for Canada without the least delay, so that no injury might arise to the public service from the absence from that province of a governor after the death of Lord Sydenham.

Captain *Bernal* begged to ask what was the diocese and what the congregation of the Bishop of Jerusalem? At present he had heard of no other congregation for the right Rev. Bishop, but that which went out with him.

Sir *G. Clerk* would suggest that this point might be better brought forward on Monday, when the hon. Member for Bolton proposed his motion as to the propriety of the appointment of English Bishops in Syria at all. The Bishop and his family and suite were conveyed to Alexandria in one of her Majesty's vessels; and as usual when persons of distinction had a passage given them in one of the royal vessels, the captain of the ship had a sum given him for the expenses which he of course incurred, which sum was paid on a scale fixed by the Admiralty.

Sir *C. Napier* considered the Admiralty scale for passages of distinguished persons reasonable. He thought it such as would neither allow the captains of vessels to gain or lose. With respect to Sir C. Bagot, the charge for passage-money appeared enormous, but the right hon. Baronet had explained the reason of this, as Sir C. Bagot had been driven back to this country by stress of weather. He was not quite certain that the Government ought not to take steps to make persons sent out of the country with appointments pay the expense of their passage, by deducting so much from their pay. Naval officers appointed to the East Indies must find their passage out the best way they could, and he did not see why bishops and governors, who were better paid, should not do the same. There was a case with regard to these passage allowances which had come to his knowledge, and which he thought one of great hardship. A gallant officer, Captain Henderson, had been engaged in the naval service on the coast of Spain, and from time to time had taken on board not less than between 40,000 and 50,000 officers and men, for which he had not received a single sixpence. Now, though the passage was necessarily short, still he thought some allowance ought to have been made. With regard to the services of Captain Parry in the survey of the Caledonian Canal, he concurred with the right hon. Baronet at the head of the Government, that it was only just his expenses should be paid by the Government, and that it would be highly unjust that that gallant officer should have to bear his own expenses, when engaged in a service from which he derived no additional emolument. He (Sir C. Napier) also differed from his hon. Friend the Member for Montrose (Mr. Hume) as to the expenses of the conveyance of the baubles, as they had been termed, to the King of Saxony.

Captain *Bernal* said, the explanation of the hon. Baronet opposite (Sir G. Clerk) was such as to render it imperative on him to divide. No account had been given as to the Church or the diocese over which this Bishop of Jerusalem was to preside; and he (Captain Bernal) presumed the bishop had taken out both Church and diocese with him. He begged to ask the hon. Gentleman in the chair in what form it was proper, according to the forms of the House, that he (Captain Bernal) should propose his amendment.

Sir *R. Peel* said, the hon. and gallant Member for Wycombe had a perfectly constitutional right to object to this item of expenditure; but he must protest against the Treasury being individually called upon to bear it. Let it be remembered that the Bishop of Jerusalem had been appointed with the concurrence of the noble Lord opposite (Lord Palmerston) before that noble Lord quitted office; and it was not in the expectation that the bishop would find a congregation that he was sent out; but he was sent out to protect the religious interests of her Majesty's subjects resident in Syria. Having been appointed, was it not fitting that he should be sent out in a ship of war. In fact, the item objected to, was merely the expense of conveying the bishop in a proper manner to his destination, was merely carrying into execution an act of Parliament.

Captain *Bernal* had observed, on refering to the estimates, that the expense of sending out this bishop amounted to more than the cost of Lord Ashburton's transportation to and return from America, and on those grounds he should certainly press his amendment to a division.

Dr. *Bowring* said, that though the question of the policy of the appointment of a Bishop of Jerusalem would come formally under discussion on a future day, he could not allow the right hon. Baronet at the head of the Government, to take the advantageous position he had assumed by a comparison between that appointment and those of the Catholic and Greek churches. The latter appointment had been sanctioned by the Porte, while the former had been met with difficulties which he was of opinion would not easily be subdued. He, however, wished to take this opportunity of asking what was the present position of the dragomans employed in the service of this country at Constantinople. It had been said, the embassy was now served by foreigners, or individuals sent from this country, and not by natives, and he wished to learn from the right hon. Baronet opposite how many individuals of English birth were attached to the Ottoman embassy and instructed in the Oriental language?

Mr. *Muntz* observed, that he understood, from the tenor of the right hon. Baronet's (Sir R. Peel's) remarks, that there was a necessity for a bishop at Jerusalem; if so, there was a greater necessity for one in Italy, where there was a larger number of British subjects resident than in Syria. But when he considered the present state of the country, he thought the House ought seriously to reflect before they ventured upon any expense whatever, except upon matters in which the interests of the people were concerned. When, therefore, he found bishops appointed where they were not wanted—and as he did not agree with the right hon. Baronet, that a bishop was necessary in the present case—he could not think this expense was a proper application, in the circumstances of the country, of the public money.

Mr. *F. T. Baring* could not vote for the amendment, having been a party to the act of last Session, and considered the occasion of the future motion upon the subject of this appointment the fittest time to raise the question of opposition respecting it. As the bishop had been sent out in a British man-of-war, the circumstance, he thought, of paying his expenses, was not one for the censure of the House; but, if it should be considered so, he must say, that he could not vote for the amendment of his hon. and gallant Friend.

Mr. *Hume* repeated that, the question was, would the House sanction so large an expenditure? Nothing could in his judgment, be more monstrous than that the expense of sending a bishop to Alexandria should cost 603*l*., while Lord Ashburton's mission to America and back should only have involved an expense of 528*l*.

The *Chancellor of the Exchequer* begged to remind the committee that Lord Ashburton went out only on a temporary service—he knew he was shortly to return. in the case of the Bishop of Jerusalem it was different; he was going to a see with the intention of fixing a permanent residence. The latter had, of course, taken with him his whole family, his chaplain, and all the additions essential to the maintenance of his position as a bishop.

Lord *J. Manners* remarked, that after what had fallen from the right hon. Baronet at the head of the Government, he was anxious to state, that while he should refuse to vote for the proposed reduction, he was averse from the appointment of a Bishop of Jerusalem, a question which he hoped would be fully discussed.

Captain *Pechell* must say, that there was no analogy between the expenses of Lord Ashburton and those of the Bishop of Jerusalem; the latter had made his passage in the Cyclops in fifteen days, while Lord John Hay did not carry Lord Ashburton to his destination in less than fifty.

Mr. *Muntz* maintained that the committee was in the position of auditors of accounts, and, if the accounts were objectionable, the committee had a right, as auditors, to reject them.

Sir *R. Peel*: I am ready to take this question upon the grounds on which the hon. Member for Birmingham has placed it; and, certainly, if the House is disposed to resist the vote, no man can complain of any undue exercise of power on the part of the Crown or the Government in the matter. Last year this House passed an act the object of which was to enable the Archbishops of York and Canterbury to consecrate a bishop for the purpose of exercising a spiritual jurisdiction over Protestants, of all nations, who might be desirous of placing themselves under his authority, for there had been many applications, both from foreign and British Protestants, to be placed under such protection. The noble Lord opposite (Lord Palmerston) sanctioned the appointment of a Bishop at Jerusalem when in office, as did Parliament, when applied to, and the proper time to have made any objection upon the subject, would have been when the act in which such application was made was before the House, The House assented to the act, and the present Government carried it into execution, and all it called upon the House of Commons to do, is, to sanction the expense of the voyage. If you are to assent to the appointment of a Bishop, whose position necessarily expatriates him from his native country, you will surely not go so far as to grudge him the expense of taking his family with him —and, certainly, after the House of Commons has passed this act by which the Bishop was appointed, it would be most unjust to charge the expense complained of individually, upon the Lords of the Treasury.

Viscount *Palmerston* confirmed the right hon. Baronet's statement. This appointment had arisen out of communications with the Prussian Government. The bill for the appointment of the bishop had passed that House almost *sub silentio.* The present question was, whether the appointment having been made, it was right to send this Bishop out in a ship-of-war; and he certainly thought, considering the motives which had led to the appointment, that it was a fitting exercise of discretion to give the Bishop that passage. With regard to the amount paid, it certainly appeared large, but he believed it was not discretionary, but governed by a fixed rule according to the number of passengers. If the amendment were agreed to, it would only pass a vote of censure on those who had spent the money, and would not accomplish any financial object, the money having been spent; he should therefore oppose the amendment.

On the question that the smaller sum proposed by Captain Bernal be granted, the Committee divided:—Ayes 37; Noes 112: Majority 75.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Armstrong, Sir A.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Busfield, W.
Butler, hon. Col.
Cobden, R.
Dennistoun, J.
Duncan, G.
Duncombe, T.
Ellice, E.
Ellis, W.
Elphinstone, H.
Fielden, J.
Forster, M.
Gibson, T. M.
Hastie, A.
Hatton, Capt. V.
Johnston, A.
Martin, J.
Morris, D.
Muntz, G. F.
O'Brien, W. S.
Pechell, Capt.
Protheroe, E.
Ross, D. R.
Scholefield, J.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Turner, E.
Villiers, hon. C.

Vivian, hon. Capt.
Wall, C. B.
Williams, W.

TELLERS
Bernal, R.
Hume, J.

List of the Noes.

Ackers, J.
Acland, T. D.
A'Court, Capt.
Adare, Visct.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Baillie, Col.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Beckett. W.
Bentinck, Lord G.
Blake, Sir V.
Blakemore, R.
Boldero, H. G.
Borthwick, P,
Botfield, B.
Bruce, Lord E.
Buckley E.
Buller, Sir J. Y.
Chetwode, Sir J.
Clerk, Sir G.
Clive, hn. R. H.
Colquhoun, J. C.
Colvile, C. R.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hn. H.
Cowper, hon. W. F.
Cripps, W.
Davies, D. A. S.
Dickinson, F. H.
Disraeli, B.
Douglas Sir C. E.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Escott, B.
Ferguson, Sir R. A.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Goring, C.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Hamilton, W. J.
Hamilton, Lord C.
Hardy, J.
Hawes, B.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Lincoln, Earl of
Lockhart, W.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Mundy, E. M.
Neeld, J.
Northland, Visct.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel. J.
Plumtre, J. P.
Pringle, A.
Rice, E. R.
Richards, R.
Rose, rt. hn. Sir G.
Round, J.
Sanderson, R.
Sheppard, T.
Sibthorpe, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Stuart, W. V.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thornhill, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Tufnell, H.
Vivian, J. E.
Wellesley, Lord C.
Wyndham, Col. C.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

Original resolution again proposed.

Mr. *E. Ellice* objected to the expense to which the country had been put, in consequence of the increase which had been made in the number of the West India bishops, and particularly to an item in the estimate of 577*l.*, for the outfit of the new bishops.

Lord *Stanley* assured the hon. Gentleman, that the country had been put to no extra charge on account of the new arrangement with regard to the bishops in the West Indies; and that the amount to which the hon. Gentleman adverted could not possibly be refused. The late Bishop of Barbadoes, Dr. Coleridge, had a salary of 4,000*l.*, and by a recent Act he received a pension of 1,000*l.* He came to England in October, 1841; but his resignation was not accepted until March, 1842; and at that period there was, of course, half a year's salary due to him. Dr. Coleridge, however, waived his right to the amount at the higher rate to which he was entitled, and consented only to receive 500*l.* in respect of the pension given to him under the Act of Parliament; but he at the same time requested, that the 1,500*l.* saved to the public in this way, might be applied in passing those public instruments by which his diocese had been divided, and providing outfits for his successors. The bishops now appointed were, as the committee must know, to receive reduced salaries; so that, besides this saving of 1,500*l.*, there was a further saving of 1,500*l.* for the interval between the month of March and the month of August, when his successors went out. The expense of the new bishops, therefore, was defrayed by the spontaneous act of the liberality of their predecessor, and the country would not lose, but gain by the transaction.

Mr. *E. Ellice* said, what he wished to understand was, whether the appointment of the five new bishops would occasion any increase of expense to the country.

Lord *Stanley* said, that Dr. Coleridge made no condition, but merely requested the saving might be applied in the manner he had described. With regard to the question as to the expense of the five new bishops, he had only to say, that the Bishopric of Barbadoes had been divided between the Bishops of Guiana, Barbadoes, and Antigua; and that these three bishops would only receive the amount of salary previously paid to the Church in the West Indies. The charge, therefore, to the public would remain unaltered. The Bishop of Gibraltar, and the Bishop of Van Diemen's Land were entirely new appointments. They, however, would be no charge to this country, the expense being made up partly from the Colonial Bishops' Fund, and partly by subscriptions.

Mr. *Protheroe* asked upon what principle the sum of 100*l.* was to be given in aid of the publication of *Wright's Parliamentary History*?

Sir *G. Clerk* said it had been deemed desirable to have the Parliamentary history of that House completed, and that was the reason why this grant was to be made. This was a work the general circulation of which was not likely to repay the publisher and compiler, and the late Government, therefore, considered it right to issue 500*l.* to assist them in publishing their work. The 100*l.* now proposed to be given was part of the 500*l.*

Mr. *Protheroe* thought, that by the same rule, the Government should contribute to the publication of half the works that issued from the press. He should like to know whether the work on the public records was also to be continued?

Sir *R. Peel* would not enter on the subject of the continuation of the work on public records, but he thought they ought to give this sum of 100*l.* to Mr. Wright to enable him to complete his history of the debates in Parliament. That was a work, which it was desirable to have, supplying, as it would, a chasm in Parliamentary History; and as the publication of the portion relating to privilege had occasioned loss, the Government felt themselves bound to make the loss good.

Mr. *Hume* seeing a considerable sum for the National Gallery, wished to call the attention of the Government to the fact, that the National Gallery was shut for a period of six weeks during every year, he was anxious to ascertain if there was any sufficient reason why the public were prevented for so considerable a period every year from visiting it.

Sir *R. Peel* thought it rather hard to deprive the officers of that Institution of six weeks holidays out of fifty-two weeks, and there would be some difficulty in appointing temporary officers during their absence. He could assure the hon. Member that, in considering the subject he had not forgotten the necessity of giving to the public every facility for visiting the National Gallery. Whilst adverting to that subject he had great pleasure in stating that for the last seventeen years, with an average of 200,000 or 300,000 persons annually enjoying the refined pleasure of visiting the British Museum, not one single article had suffered the slightest injury. The number of persons visiting the Museum had increased in the last year to 540,000, and yet for the last seventeen years, with so large an annual average of visitors, he had been assured the only accident which happened at the Museum, was the fracture of two panes of glass by a boy who accidentally fell against them. He was anxious to state that fact, in order that those who had the care of other institutions might not entertain any unfounded idea of the danger of allowing them to be open to the public.

Vote agreed to.

On the question that the sum of 105,636*l.* be granted for public buildings, and royal palaces,

Mr. *Williams* said, that as Richmond Park was maintained at the public expense, he did not see why it should not be open for the recreation of the public. For his own part, however, he had felt no inconvenience, though he had heard others complain. He had himself never been prevented from riding in Richmond-park.

The Earl of *Lincoln* said, that these two parks, Richmond and Kew, were the only two into which the public were not freely admitted. The expense incurred on account of these two parks was very trifling, as compared with the others. The average expense for maintaining these parks for the last eight years, was not much more than 20,000*l.*

Mr. *Horsman* wished to state a fact that had come to his knowledge. A gentleman living near Richmond, and in delicate health, wrote to Lord Sidmouth to request permission to ride in Richmond-park, and received for answer, that he (Lord Sidmouth) did not give permission, unless to his private friends. The case appeared to him particularly hard, as he heard that some gentlemen had the privilege of riding in this park.

The Earl of *Lincoln* said, that the regulations of Richmond-park were different from those of the other parks in the neighbourhood of London. Any alteration that had taken place in those rules had been in the way of altering their stringency. He was surprised that the case alluded to by the hon. Member had occurred, as Lord Sidmouth was in the habit of attending with the greatest courtesy to applications made to him. From the statement of the hon. Member for Coventry, it appeared that the orders given to the keepers were not very stringent, as the keeper had permitted that hon. Member to pass without any order at all, only seeing him to be a gentleman of respectable appearance.

Mr. *Aglionby* said, the joke of the noble Lord might be a good one, but his explanation was not satisfactory. After the honourable testimony borne to the conduct of the people by the right hon. Baronet opposite that evening, he thought that the public ought to be allowed to have free access to those parks.

Colonel *Sibthorp* was anxious that every reasonable indulgence should be afforded the public in admitting them to these places of recreation. He thought it, however, rather extraordinary that those attacks had not been made on the hon. Gentlemen opposite during the ten years they held the reins of power; and he thanked God they held them no longer. He thought it extraordinary to have those attacks made on the present Government, who were really disposed to afford those recreations and indulgences to the people. The present Government preferred doing what they intended to do, rather than pretending to be desirous of doing that which they never intended to do. It was singular those attacks had not been made on the former Government, or if they had, they certainly had made no impression.

Sir *C. Napier* was desirous to know, whether it was in contemplation of the Government to remove the whole of the Admiralty to Somerset House? Great inconvenience to the public service arose from the present distribution. At present the civil department of the Admiralty was at Somerset House, whilst the executive part was at Whitehall. The advantage of uniting them in one place would be very great, and very beneficial to the public service.

The *Chancellor of the Exchequer* was not aware that any such change as that mentioned by the hon. and gallant Officer, was in the contemplation of the Government, it would involve considerable expense.

Captain *Pechell* thought that the change would be beneficial.

Mr. *Hume* had long recommended the consolidation of the navy and ordnance.

Colonel *Napier* cordially supported the hon. Member for Montrose in that recommendation. He hoped the right hon. Member for Dorchester, who had formerly approved of this change, would give his opinion on the matter now.

Vote agreed to.

On the question that 140,000*l.* be granted to defray the expenses of the works of the New Houses of Parliament.

Dr. *Bowring* wished to know whether any determination had been come to by the commissioners as to the internal decorations of the Houses of Parliament—whether fresco painting were intended to be adopted or not.

Sir *R. Peel* replied, that the commissioners had not come to any decision as to the internal decoration. They had invited designs, which would be exhibited in Westminster-hall in May or June next, and the decision of the commissioners was suspended until that exhibition had taken place.

Mr. *Hume* said, that it now appeared that the new Houses, the expense of which was estimated at 770,000*l.*, would cost 1,016,000*l.* It was plain that one of the commissioners was right in saying of these new buildings that "they would look well on paper, but were not fit for use." For half the money, they might have had a dry, good building, instead of being buried under ground. For his part, all the satisfaction he now had was to complain.

Vote agreed to.

On the next vote of 67,350*l.* for the salaries and expenses of the two Houses of Parliament,

Mr. *Hume* moved that the vote be 43,750*l.*, on the ground that no account was furnished of the salaries paid to the officers of the House of Lords.

The committee divided on the amendment.—Ayes 47 : Noes 135; Majority 88.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Barnard, E. G.
Bernal, Capt.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Cowper, hon. W. F.
Duncan, G.
Ellice, E.
Ellis, W.
Elphinstone, H.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Col.
Guest, Sir J.
Hill, Lord M.
Hindley, C.
Horsman, E.
Howard, hon. C.W.G.
Hutt, W.
Layard, Capt.
Martin, J.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Napier, Sir C.

Norreys, Sir D. J.
O'Brien, W. S.
Pechell, Capt.
Philips, G. R.
Plumridge, Capt.
Protheroe, E.
Rice, E. R.
Scholefield, J.
Scott, R.
Stanton, W. H.
Strutt, E.
Tancred, H. W.
Thornely, T.
Turner, E.
Vivian, hon. Capt.
Wakley, T.
Wawn, J .T.
Wrightson, W. B.

TELLERS.

Hume, J.
Williams, W.

List of the NOES.

Ackers, J.
A'Court, Capt.
Acton, Col.
Ainsworth, P.
Antrobus, E.
Arkwright, G.
Astell, W.
Baillie, Col.
Bankes, G.
Baring, hon. W. B.
Baring, right hn. F. T.
Beresford, Major
Bernard, Visct.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Campbell, Sir H.
Chetwode, Sir J.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Colquhoun, J. C.
Colvile, C. R.
Copeland, Mr. Ald.
Corry, right hon. H.
Cripps, W.
Darby, G.
Douglas, Sir C. E.
Eastnor, Visct.
Ebrington, Visct.
Egerton, W. T.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hussey, T.
Irton, S.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E
Knight, F. W.
Lambton, H.
Lawson, A.
Lincoln, Earl of
Listowel, Earl of
Lockhart, W.
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Neeld, J.
Newdigate, C. N.
Nicholl, right hon. J.
Northland, Visct.
Palmerston, Visct.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pollock, Sir F.
Ponsonby, hn. C. F. C.
Pringle, A.
Pusey, P.
Repton, G. W. J.
Rolleston, Col.
Round, J.
Russell, Lord J.
Sanderson, R.
Shaw, rt. hn. F.
Sibthorp, Col.
Smith, J. A.
Smith, rt. hon. R. V.
Smith, rt. hon. T. B. C.
Smythe, hon. G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Tufnell, H.
Vivian, J. E.
Wellesley, Lord C.
Wood, G. W.
Wortley, hon. J. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

Vote agreed to.

On the vote of 3,200*l.* being proposed for the salaries and expences of the Ecclesiastical Commissioners for England and Wales.

Mr. *Hume* objected, and maintained that the managers of the Church property ought to be paid out of that property, and not ot of the public funds.

The *Chancellor of the Exchequer* defended the grant, on the ground that the commission had been constituted by act of Parliament.

Lord *J. Russell* remarked, that the property of the Church was not increased in value by those commissioners who were appointed by the State, because it had undertaken to regulate the management of that property.

The *Chancellor of the Exchequer* said, they constituted a portion of the State, as members of which they possessed some degree of control over the management of the property, and it was their interest that it should be well managed.

The Committee divided on the vote.—Ayes 140; Noes 33: Majority 107.

List of the AYES.

Ackers, J.
Acland, Sir T. D.
A'Court, Capt.
Acton, Col.
Ainsworth, P.
Antrobus, E.
Arkwright, G.
Astell, W.
Baillie, Col.
Bankes, G.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Bentinck, Lord G.
Bernard, Visct.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Busfeild, W.
Chelsea, Visct.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Colborne, hn. W. N. R.
Colvile, C. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Dalrymple, Capt.
Darby, G.
Denison, E. B.
Dickinson, F. H.

Douglas, Sir C. E.
Eastnor, Visct.
Ebrington, Visct.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Ferguson, Sir R. A.
Ferrand, W. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, P.
Grimsditch, T.
Guest, Sir J.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howhard, hn. C. W. G.
Hughes, W. B.
Hussey, T.
Hutt, W.
Irton, S.
Jermyn, Earl
Jocelyn, Visct.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knight, F. W.
Lambton, H.
Lawson, A.
Layard, Capt.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neville, R.
Newdigate, C. N.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Northland, Visct.
O'Brien, W. S.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pollock, Sir F.
Ponsonby, h. C. F. A. C.
Pringle, A.
Protheroe, E.
Pusey, P.
Repton, G. W. J.
Rice, E. R.
Rolleston, Col.
Round, J.
Russell, Lord J.
Sanderson, R.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Tufnell, H.
Vivian, J. E.
Wellesley, Lord C.
Wood, Col. T.
Wortley, hon. J. S.
Young, J.

TELLERS.
Baring, H.
Fremantle, Sir T.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Bernal, Capt.
Bowring, Dr.
Brotherton, J.
Christie, W. D.
Duncan, G.
Ellis, W.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Col.
Gill, T.
Hindley, C.
Hume, J.
Johnson, Gen.
Martin, J.
Morris, D.
Napier, Sir C.
Pechell, Capt.
Philips, G. R.
Plumridge, Capt.
Scott, R.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Trelawny, J. S.
Turner, E.
Wakley, T.
Wawn, J. T.
Williams, W.
Wood, G. W.
Worsley, Lord

TELLERS.
Ellice, E.
Elphinstone, H.

On the question that the sum of 56,508*l.* be granted to defray the charge of salaries and expenses of the commissioners appointed to carry into execution the act of 4th and 5th Will. 4th, c. 76, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales, and the act 1st and 2nd Vic. c. 56, for the more Effectual Relief of the Destitute Poor in Ireland.

Captain *Pechell* said, he felt it to be his duty to oppose this vote. The conduct of the commissioners had excited great discontent throughout the country, and their endeavours to bring the parishes incorporated under Gilbert's Act within their jurisdiction had been regarded with general dissatisfaction. In one case an assistant-commissioner had been smuggled into a workhouse to institute inquiries with a view to promote this object of the commissioners. It had been stated that the assistant-commissioner to whom he referred was paying a visit in the neighbourhood, and had merely paid a casual visit to the workhouse. His object was, however, undoubtedly to obtain information which might serve the purposes of the commissioners, and, instead of making a direct application to the proper officers, he was smuggled into the House under false colours, and at an untimely hour. He would oppose any vote of public money for the payment of the salaries and expenses of the commissioners, or of the assistant-commissioners, for he thought that this system of employing spies ought to be discountenanced. If inquiries were instituted in a fair and open manner, the authorities in the Gilbert Unions would, he was sure, be quite ready to meet them.

Sir *C. Napier* said, as it appeared probable that this vote would lead to some discussion, he thought at that late hour its consideration ought to be adjourned. He would, therefore, move, that the chairman do report progress.

Mr. *Ferrand* said, that when he had asked for an adjournment the House was disinclined to assent to his proposal, and he was compelled to proceed, and he therefore thought that it would not now be fair to adjourn this discussion. The hon. and gallant Member for Brighton (Captain Pechell) had complained of the conduct of one of the assistant-commissioners in what the commissioners would consider the performance of his duty. He thought that the commissioners had acted on many occasions with great impropriety, and yet the House was now called upon to vote 56,508*l.* for the payment of these harpies. He considered that the Poor-law had not proved at all beneficial to the country. On the contrary, it had produced the greatest misery and unhappiness; and he believed that if the system continued in operation much longer, especially in the north of England, it would drive the working classes into rebellion. The proceedings of some of the assistant Poor-law commissioners during the last twelve months had been disgraceful to them as public officers; they had acted cruelly, unjustly, and illegally. In the Halifax Poor-law Union one of the assistant-commissioners had proposed what he called an out-door labour test. If a poor man applied for relief, he received an order upon a person called a "superintendent," who was in reality a taskmaster, by whom he was set to work. In one case which had been published in a newspaper, a poor man who applied to the guardians for relief was sent to this superintendent, who put him to work for six days, and he then received 2*s.* and two loaves of bread. Now, he put it to hon. Members if it was not disgraceful that a man, after working twelve hours a-day for six days, should receive such a pittance? If they allowed such a state of things to continue, they were answerable for the consequences. The working classes had, for a long period, endured severe suffering with exemplary patience, and it would be disgraceful to the Government and to the House if they voted public money for the purpose of perpetuating such a system of oppression as that to which he had alluded. But how had the assistant Poor-law commissioners plundered the public purse? In 1837 Mr. Power went down to the Keighley Union; he visited it twice in 1838, twice in 1839, and he visited it in 1840. In 1841 Mr. Mott was appointed and visited it; thirteen months after he visited it again, and for discharging his duty in this manner he was paid in all 2,000*l.* a-year. This was swindling the public.

Mr. *Brotherton* rose to order, appealing to the Chairman whether it were not irregular to raise a debate after the motion that the Chairman report progress.

The *Chairman* said, he had the highest authority for stating that the hon. Member was entitled to go on.

Mr. *Ferrand* resumed by remarking, that about Midsummer 1842, Mr. Mott visited the board of guardians again, when the whole board rose and left the room, so disgusted were they at his conduct. The board had only been visited three times since 1840. To pay such an officer at the rate of 2,000*l.* a-year was plundering the public. The Poor-law was carried out most unequally and unjustly. Where the population was small the assistant-commissioners tyrannized; where it was large and the country gentlemen were spirited enough to resist being made slaves, the assistant-commissioners trembled and truckled. The Huddersfield Union was an example of the means adopted for carrying out the law. In order to promote that object, the noble Lord, the late Secretary for the Home Department, had appointed several persons as justices (without the sanction of the lord-lieutenant) who were known for their determination to enforce the law with rigour. In the Keighley Union the poor inhabitants of some districts had to travel twenty-five miles for relief, and they frequently came back with only 6*d.* in their pockets. The cruelty and oppression of the law were unparalleled in the history of civilised nations. He warned the Government that the people were acquainted with the cruelty and oppression of this law; and they would tell the Government that they would have justice founded on mercy.

Sir *C. Napier* said, that monomania was now at its height. The very moment the Keighley Union was touched on, the hon. Member seemed to go stark-staring mad. As it was impossible to discuss the motion with proper temper at that hour of the night, he should persist in his motion that the Chairman report progress.

Motion agreed to.

House resumed. The committee to sit again.

Adjourned at a quarter to one o'clock.

* * *

HOUSE OF LORDS,

Tuesday, March 28, 1843.

Minutes.] Bills *Public.*—1ª. Indemnity; Dogs; Turnpike Roads (Ireland).

2ª. Coast of Africa.

Reported.—Consolidated Fund.

3ª. and passed:—Mutiny; Marine Mutiny.

Private.—1ª. Cockermouth Roads; Lancaster Lunatic Asylum.

2ª. Oxnam's Estate; Lancaster and Preston Railway.

Reported.—Newcastle and Darlington Railway; Oxford Railway.

Petitions Presented. By Lord Kenyon, and the Bishop of Chichester, from Chichester, Donington, and Flintshire, against the Union of the Sees of St. Asaph and Bangor.—By Lord Campbell, from Whitburn, for a speedy Settlement of the Scotch Church Question.—From Lewes, and the Rev. Robert Ridsdale, for Altering the Law relative to the Rating of Ecclesiastical Property.

Church of Scotland.] Lord *Campbell* laid upon the Table the following resolutions relative to the Church of Scotland.

"1. That it is the opinion of this House, that the Church of Scotland as by law established, and the securities of the Government thereof by general assemblies, synods, presbyteries, and Kirk sessions, ought to be inviolably maintained, and that this House is desirous that the said Church of Scotland shall freely and peaceably possess and enjoy her rights, liberties, government, discipline, and privileges according to law, in all time coming.

"2. That it is the opinion of this House that the church, as established by law in Scotland, has produced the best practical effect on the morals and religious character of the people; that it has well fulfilled, and continues to fulfil, the important purposes for which it was founded, and that any shock which might endanger this great national establishment would be regarded by that House as a great national calamity.

"3. That, with a view to heal the unhappy divisions which now exist in the Church of Scotland, and to give contentment to the said church, this House is of opinion, that the demands of the said church contained in the papers laid before this House shall be conceded by the Legislature, as far as the same can be safely conceded consistently with the permanent welfare of the said church and the existence of subordination and good government in the country; and therefore, when any measures for correcting the alleged abuses of patronage in Scotland, and insuring the appointment and admission of ministers properly qualified for the parishes in which they are to officiate, and to edify the congregation to whom they are to minister in holy things, shall be constitutionally brought before this House as a branch of the Legislature, this House will favourably entertain the same, and anxiously endeavour that the end of such measures may be attained.

"4. That considering that patronage has subsisted in Scotland from the remotest times, and is recognised in the most venerable authorities of the law of that country; that the preservation of patronage was made an express condition on which the present reformed Church of Scotland was established and endowed by the state; that it has been confirmed by several subsequent statutes; that the present ministers of the Church of Scotland were introduced into it according to the law of patronage; and that, if this law be under due superintendence and control, there appears to be no other law more likely to secure the introduction as pastors into an endowed church, of men of learning, piety, zeal, good morals, and sound doctrine—the demand of the Church of Scotland, that patronage shall be abolished as a grievance, is in the opinion of this House unreasonable and unfounded, and ought not to be conceded.

"5. That this House, acknowledging the independent, exclusive, and supreme jurisdiction of the courts of the Church of Scotland in all matters spiritual, is of opinion that the demand of the Church of Scotland, that the law shall be framed so as to give to the church courts absolute authority in every case to define the limits of their own jurisdiction, without any power in any civil court in any way to question or interfere with their proceedings, decrees, and orders, although they may exceed their jurisdiction, and, in suits professedly spiritual, may treat of civil and temporal matters, and may violate the statute or common law of the land, and that no action or proceeding shall be instituted against any members of the said courts for a refusal to do acts required by the Legislature to be done, by which refusal the Queen's subjects are prejudiced in their civil rights; notwithstanding that such demand be under the qualification that the decrees and orders of the church courts shall not be binding on other courts, or fetter them in any way in the regulation of their conduct, according to their conscientious conviction in regard to the matters they have to decide—is unprecedented in any Christian church since the Reformation, is inconsistent with the permanent welfare of the Church of Scotland, and the existence of subordination and good government in the country, and ought not to be conceded."

Ordered to be printed, preparatory to discussion.

Adjourned till Thursday.

HOUSE OF COMMONS,

Tuesday, March 28, 1843.

Minutes.] Bills. *Public.*—2ª. Turnpike Roads.

Reported.—Slave Trade Abolition (Bolivia); Slave Trade Abolition (Uraguay); Slave Trade Suppression (Texas).

Private.—2^{o}· Dundee Harbour; Piel Pier; Inchbelly Road; South Eastern Railway; Monkland and Kirkintilloch Railway.

Reported.—Ipswich Docks; Carmarthen Markets; Chepstow Water; Sheffield, Ashton-under-Line, and Manchester Railway.

3^{a}· and passed:—Lancaster Lunatic Assylum; Cockermouth Roads.

PETITIONS PRESENTED. By Mr. Busfield, Mr. Brotherton, Mr. W. Evans, Mr. G. W. Wood, Mr. Ewart, and Mr. Cobden, from Sutton-in-Craven, Manchester, Wigan, Nottingham, Kendal, Skipton, Bingley, and Bradford, against the Factories Bill.—By Messrs. Brotherton, and Cobden, from Leigh, Tyldesley, Lowton, Annan, Cleckheaton, Winweck, Sabden, J. B. Scott and Family, Enoch Bowker, Thomas Dover and Family, Hamilton, and Lauderdale, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Mr. Stafford O'Brien, from Croom, Adare, and Rathkeale, against the Irish Poor-law.—By Mr. M. Attwood, from Whitehaven, against Portions of the American Treaty.—By Mr. Brotherton, from Dublin, against the Opium Trade.—From Middlesmoor, Copt Newick, Bridge Newick, Sharon, Hutton Conyers, Ramsgill, Ripon, Bewerly, and Bishop Thornton, for Church Extension.—From the Collieries of Oxenford, and Clackmannan, for the Repeal of the Mines and Collieries Act.—From A. E. Saunders, (Bath) for Redress.—From the Hay Union, against the New Poor-law.—From the Bakers of Londonderry, for Regulating their Hours of Labour.—From Trecastle, Builth and Talgarth, against the Ecclesiastical Courts' Bill.

OVERLOADING OF STEAM BOATS.] Dr. *Bowring* inquired of the right hon. Gentleman the Vice-President of the Board of Trade, whether the attention of the Government had been directed to the necessity of some regulation to prevent the overloading of steam-boats on the river, with the view to secure the public against the dangers to which they are at present exposed.

Mr. *Gladstone* said, that no representations had been lately made to the Government on the subject, but he would admit that it was one which deserved, and would receive, the attention of Ministers.

THE FACTORIES—EDUCATION.] Lord *J. Russell* wished to know from the right hon. Baronet, the Home Secretary, whether he intended to proceed with the Factory Bill on Friday next.

Sir *J. Graham* said, that after the best consideration which he had been enabled to give the many representations made to him on the subject, and pointing out the inconvenience of going on with only a part of the bill, before the whole was ready, he thought it right to postpone the whole measure until after Easter, but he would then proceed with the committee.

ECCLESIASTICAL COURTS.] Dr. *Nicholl* (in answer to a question from Lord R. Grosvenor) said, that he would lay before the House, the returns referred to as far as they had been made out. Other returns, which would be ready, would refer to the changes to be made in the prerogative and other ecclesiastical courts in the metropolis. It would be seen, by the returns, that under the new arrangements of the see of Canterbury the Courts were much more economical than the old, and that the reduction in salaries, &c. in them would be from 24,700*l.* to 16,320*l.* In the York Courts, the reduction of expense would be from 3,900*l.* to 1,900*l.* In some of the Diocesan and Archidiaconal Courts there would be a saving. The only new offices created in the metropolis would be, one usher, at 100*l.* a-year; a judge's clerk, at 150*l.*; and an accountant, at a salary of 200*l.* The only new officers in the country were the judges in the new courts of Manchester and Ripon, and their officers.

THE WASHINGTON TREATY.] Mr. *Hume* wished to ask the right hon. Baronet at the head of the Government, whether he would not allow him to bring on his motion (on the subject of the Treaty of Washington) on Friday next?

Sir *R. Peel* hoped the hon. Member would name some day for his motion which would not interfere with the "Orders of the Day." He felt bound, on principle, to decline acceding to the hon. Member's request, for many applications of the kind were made to him by other hon. Members, and if he complied in one instance, he must in another. It would be better to adhere to the rule laid down for "orders" and "notices." He would be glad to assist the hon. Member if he could, for as the motion which he intended to make was now worded, he should give it his support, but he hoped the hon. Member would fix on some day which was not a supply day.

Mr. *Hume* gave notice of his motion for Tuesday.

OCCUPATION OF TAHITI BY THE FRENCH.] Sir *G. Grey* begged to call the attention of the right hon. Baronet to certain recent proceedings of the French admiral commanding the squadron in the South Pacific Ocean. From accounts which had reached this country, it appeared, that the French admiral had taken possession of the Island of Tahiti, placing it under the protection of France, and that an island council was formed for the purpose of maintaining the sovereignty of the French in it and some other islands of which Tahiti was the chief. Now, these things were calculated to cause considerable apprehension in the minds of many persons in this country who took a great interest in the welfare of those islanders, and who had already been the means, through their missionaries, of bringing a great number of them to civilization. The parties to whom he alluded very naturally felt alarm lest the occupation of the islands by the French might interrupt their intercourse and friendly relations with the inhabitants, and put an end to those exertions which had hitherto been so successful in the improvement of the social, moral, and religious condition of the people. They feared that their future proceedings in the promotion of those desirable objects might be fettered unless they were assured of due protection. Under these circumstances he wished to ask if her Majesty's Government had received any information as to the proceedings of the French Admiral, and if any steps had been taken to secure to British subjects resident in those islands that protection to which they had so strong a claim.

Sir *R. Peel* would state in answer to the question of the right hon. Gentleman, the amount of the information which had reached the Government on the subject to which he referred. It was stated that the officer commanding the French squadron in the South Seas had made a demand of satisfaction from the sovereign and chiefs of Tahiti and its dependent islands for an alleged offence against France, and called upon them to deposit as a guarantee for future good conduct towards the French the sum of 100,000 piasters. The chiefs at once declared their utter inability to comply with this order, but instead of it they consented that Tahiti and the other islands should be placed under the nominal sovereignty of the King of the French, the Queen of the islands reserving to herself the territorial jurisdiction. The islands were thus taken under the protection of France. This was the representation made to the Government. Now, he quite agreed with the right hon. Gentleman who had put the question, that the British subjects resident in those islands were fully entitled to every protection for their persons and property, and also to the full exercise of their religion; and in the very act of placing the islands under the sovereignty of France it was expressly provided that the English missionaries should receive the fullest protection, that their churches and places of worship should be maintained, and that their intercourse with the natives should not be interrupted. All that France had done by her officer was to place the islands under her sovereignty, which was acceded to by the Queen and chiefs, but no possession was taken by placing any French force on the islands. On the facts stated he offered no opinion, but he could assure the right hon. Gentleman that the position of the British subjects resident on those islands had attracted the attention of her Majesty's Government, which had made representations on the subject to the government of France, and had received in reply from that Government assurances which was quite satisfactory, stating that the missionaries should not be prejudiced nor in any way molested on account of the exercise of their religion. He was quite satisfied with the sincerity and good faith in which those assurances were made, and that they might be fully relied on.

OUTBREAK IN THE NORTH.—CONDUCT OF THE MAGISTRATES.—Mr. *T. Duncombe* rose to move:—

"That a select committee be appointed, to inquire into the grievances complained of, and the allegations contained in the petitions of George White, of Birmingham; Robert Brook, of Todmorden; James Leach, of Manchester; J. G. Harney, of Sheffield; Jonathan Brown, and nine others, prisoners in Southwell house of correction; R. T. Morrison, chairman of a public meeting at Nottingham; John Skevington, of Loughborough; James Arthur, of Carlisle; John Allinson, of Stockport; Samuel Robinson, of Stoke-upon-Trent, James Mitchell, of Southport; Samuel Crowther, of Halifax; William Gilipillan, chairman of a public meeting at South Shields:—the committee to report their opinion, with the evidence, to the House."

The hon. Member said, that in the deep concern which her Majesty had expressed in her Speech from the Throne at the commencement of the Session, that the public peace had been most seriously disturbed during the past year in portions of the manufacturing districts, he was sure the House most fully and sincerely participated. Her Majesty on that occasion was also pleased to observe, that the ordinary law promptly enforced was sufficient for the repression of the disturbances, and in that sentiment he believed that the House likewise fully concurred. But he very much doubted, if the House had been in possession of the circumstances which it was now in his power to state, whether it would have replied as it did to that part of her Majesty's Speech. He did not wish to be understood as intending to impute to her Majesty's Government the slightest intention of having on that occasion wished either to mislead her Majesty, the country, or the House, for it was his belief that her Majesty's Ministers, as regarded that sentence of the Royal Speech, had themselves been misled. He believed, that up to the present hour they did not know of the transactions and illegal proceedings that had taken place for what might be called the repression of those disturbances. When her Majesty's Speech stated that the ordinary law was amply sufficient for the purpose, it was not, of course, to be understood, and her Majesty's Government never intended it should, that they had applied to Parliament for the suspension of the Habeas Corpus Act or any of the Six Acts of 1819-20. But he was there to maintain that something more than the ordinary law had been put in force, and that the magistracy throughout the manufacturing districts where the disturbances occurred had administered something more than the ordinary law—that they had administered the law, if law it could be called, with partiality, cruelty, and oppression. He was well aware that in the appeal he was making to that House he was not about to address an impartial or unprejudiced tribunal. He knew he was appealing from the conduct of magistrates to magistrates themselves; for, look which way he would, he saw nothing but justices of the peace—nothing but the great unpaid ornamenting the benches of that House. He was likewise aware of the risk he was running in the statement he was about to make of bringing a hornet's nest about his ears; but he had a duty to perform, and he would not shrink from performing it, offend or displease whom he might. He brought forward this motion with no party views or intentions whatever, and he did trust, if he should make out a *primâ facie* case for inquiry, that there was a sufficient sense of justice left in the House to prevent any Member, or any party or association of Members, from doing their duty to the public on this occasion, by granting the investigation he should ask for at the close of his speech. At different times he had presented petitions to the House, which he proposed to refer to a select committee, in order that the committee might report their opinions as to the truth of the allegations contained in them. It would be his duty to allude, not to all, but certainly to the majority of those petitions. The first to which he begged leave to call attention, as it related to what might be called the origin of these disturbances, was the petition of William Gilfillan, who presided at a public meeting of the inhabitants of South Shields. He had presented it to the House on the 3rd of March, and he had since then received various communications respecting it from the manufacturing districts. The petitioners prayed that House to institute an inquiry into the origin of these disturbances, and they certainly did so in no very qualified terms. The committee of that House who had ordered it to be printed had caused to be expunged from it certain words which applied to the conduct of individuals. The petitioners expressed their regret at the disturbances which had taken place; they stated that they did not attribute them altogether to the distressed state of the people, but that they considered that the causes of the late outbreak were mainly owing to the inflammatory and revolutionary tendency of the speeches of the Anti-Corn-law League. They stated that whilst their victims were suffering imprisonment, expatriation, &c., those who were the causes of the disturbances were at liberty, and they asked the House to institute a strict and scrutinizing investigation into the causes of the late outbreak. He would state the communications he had received from the manufaturing districts on this subject. But before he stated any of those communications, he would shortly call the attention of the House to the outbreaks which had taken place in the course of the last summer in the county of Stafford. In the county of Stafford he believed these outbreaks were, in the first instance, entirely confined to a question of wages between master and man. When a question was asked by his hon. Friend the Member for the Potteries of the right hon. Baronet the Secretary for the Home Department, in reference to these disturbances, the right hon. Gentleman then stated his belief that these disturbances had nothing whatever of a political tendency or character. He believed that those men had very great and serious complaints against their masters. He had received statements to show that the custom of paying the wages of the workmen in kind, or the truck system had obtained to a great extent amongst the colliers and miners. That was much complained of. A man never knew what wages he had to receive on the Saturday night. The workmen were obliged to receive their wages at a public-house, which public-house was generally kept by what was called a "butty." Music was provided, and the music induced the individuals to drink, and at the expiration of the evening, or rather next morning, those men who were not strong enough to withstand the effects of the liquor, were found in a state of intoxication, without a shilling of wages to receive. That state of things, and the reduction proposed to them, did exasperate the men, and there was a very bad feeling existing between the masters and the men, and the men broke out into acts of violence in July last. But at that period those disturbances were not confined entirely to the the county of Stafford. In the month of August there were unpleasant symptoms shown in the cotton districts. There reductions were proposed by some master manufacturers in the neighbourhood of Staleybridge and Ashton. On the 5th of August Messrs. Bailey and two other millowners gave notice of a reduction in the wages of their workmen. A meeting took place among the operatives of that portion of the district, and they came to a resolution that if the proposed and threatened reduction were persevered in they would turn out. That meeting was adjourned until the 7th of August. Messrs. Bailey and Co. would not withdraw their notice, but the other two did. The men then came to the resolution of turning out. But they went further; for, being supported generally by the men of Ashton and the shopkeepers, they determined that all the district should turn out on the 9th of August, and that they would march to Manchester, and would induce the workpeople in the mills of Manchester to follow the example of the workmen at Staleybridge and Ashton. Having brought the House to the 9th of August — for that was the day when the mob of Ashton marched towards Manchester — he would proceed to describe what then took place. As the crowd marched towards Manchester, it was met by the commissioner of police of that place, who made a proposition to them to prevent their advancing further; shortly afterwards however, on approaching the entrance of the town, they were met by the stipendiary magistrate, Mr. Maude, and the commander of the forces in that district. They might learn a good deal as to what took place on this occasion in consequence of a squabble, in a sort of paper-war, which had occurred between Sir C. Shaw, the commissioner of police, and the stipendiary magistrate, Mr. Maude, as these functionaries differed as to whether the people of Ashton should be allowed to enter the town or not. The House must be aware, that from the nature of his office Sir C. Shaw was not a magistrate, and could not act as a magistrate, his only duty being to obey the instructions of the magistrates. Mr. Maude then decided that the mob, on an understanding that no damage should be done to life or property, should be allowed to go through the town to a certain piece of ground, where a public meeting was to be held. The magistrate, with the common clerk, placed himself at the head of the mob, which was composed of 12,000 persons, which proceeded into the town, and a public meeting was held on a spot known as the Granby-row Fields. That meeting was addressed by a very intelligent man named Doyle, a Chartist, in the presence of the stipendiary magistrate and the military commandant; in the course of his address Doyle said, that there could be no doubt of the meeting being a lawful one, the stipendiary magistrate being present, and that no one could afterwards object to anything not being done in a lawful manner as they were then acting. The consequence was, that every one was satisfied, and believed that a sanction was given by authority to their proceedings. The crowd soon separated, and proceeded to pay the visits they intended to pay before they entered Manchester, and invited the hands at the different mills to turn out. At the end of three days hardly a mill was at work at Manchester. It appeared that this outbreak was not got up for the purpose of carrying any public measure; but after this time delegates were chosen and met, and nearly all those individuals who turned out declared for what was called the Charter. With respect to this demand for the Charter, or political equality, he would only say, that these people were quite as well entitled as any other class to demand what they conceived to be their political rights. On the 14th of August things had taken a very different turn from what was expected, and from that moment a degree of severity—a degree of oppression and unconstitutional proceedings of the most disgraceful kind were resorted to on the part of the magistrates towards those individuals who had engaged in the turn out. A proclamation was issued by the magistrates, as he had been informed, in which protection was promised to life and property, and in which it was stated that those who resisted the turn out and continued to work should receive ample protection; and, if he were correctly informed—and the matter could be easily investigated by the committee, if it should be granted—some of these millowners who had seen the proclamation, and had therefore resisted the mob in their attempt to enforce the turn out, were blamed by these magistrates for so resisting. Now, what was the state of the country between Colne and Burnley at this time; and what was the conduct of some of the magistrates and millowners with respect to the turn out? He had received a communication on this subject from a person of the name of Beesley, who resided at Accrington, which he would read to the House.

"On the 16th of August the crowd from Burnley demanded admission into Colne, and promised Mr. Folds a magistrate of Colne, that no property should be destroyed, upon which he ordered the soldiers to open out, and the town was handed over to a Chartist of the name of Mooney, and also gave him 1*l.* out of his own pocket, upon the understanding that life and property should be kept inviolate. Now, if the late outbreak had not been concocted by other than the working classes, would this dispenser of justice have given the town into the hands of the people, and with it money out of his own pocket, when he had a sufficient force to keep them back? I have received from Bacup, information respecting the conduct of some of the manufacturers in that neighbourhood. Mr. Brooks, of Sunnyside, I believe the son of the alderman (this information is from men who were there, and are ready to make oath upon it), said to them, when the people went to stop his works, 'that they were taking the right plan; that by such means they would be able to compel the Government to do something for them, and by no other means.' He also went round his works and showed them his boilers, whilst they drove in the plugs. He gave them every encouragement, and told them where the other print-shops were in the neighbourhood, and the people proceeded from his works to stop the others; he also gave them something to eat. Mr. George Hamilton gave them food when they stopped his mill; this gentleman lives at Irwell-terrace, near Bacup, Lancashire. Mr. Whitehead gave them bread, butter, ham, and cheese, when they stopped his works. Mr. Acroyd, Bacup, gave them, when they stopped his mill, both food and money. With respect to Mr. Folds, when in the police-office after my arrest, I heard the superintendent of the police say that Mooney could not be arrested; that the magistrates had acted rather injudiciously; that they had given Mooney the power to stop the mills, and that he had done so under the sanction of the magistrates. This I can affirm."

Such proceedings would certainly lead any one to suppose that the millowners and the magistrates did not object to the mills being stopped; but the moment these persons declared in favour of certain political rights, a very different course was pursued from what had hitherto been followed. On the 11th of August, he believed, the magistrates first assembled at the Town-hall respecting this movement, and they sent for Sir C. Shaw. That officer thought it to be his duty to give in a list of the names of those parties whom he considered to be the most dangerous agitators of political questions in the town of Manchester; upon receiving which, some of the magistrates present stated that they knew that these were the persons who had caused the late disturbances, and had originated the outrages which had taken place. Upon which, as he (Mr. Duncombe) had been informed, Sir C. Shaw said that this was not the case, for that he knew that the persons who originated the turnout and the disturbances were the hired advocates of the Corn-law League. This was also one of the allegations in the petition which he had presented from South Shields, and if the allegation were capable of being disproved, the committee would be a very proper tribunal for that purpose. The proceedings, however, which then took place towards the working classes were of the most unjust nature, and the petitioners were perfectly right in saying, that punishment should not be allowed to fall on the heads of those individuals who had received such encouragement, but upon the originators and promoters of these disturbances. But what was the conduct which these magistrates of Manchester pursued towards those who were supposed to be guilty of what he supposed he must call political offences? On this point he would refer to the first petition which he had presented, from James Leech, bookseller and stationer, of 40, Oak-street, Manchester. It appeared that it was intended to hold a public meeting on the 16th of August, in commemoration of the memory of Mr. Hunt, for that was the anniversary of the day known by the name of the Peterloo-day. The petition commenced thus:—

"That your petitioner was arrested on the 17th day of August, 1842, on a charge of sedition and conspiracy, and after being confined in a dark, dirty, and damp cell from Wednesday till Friday, was then, for the first time, brought up before the magistrates, Messrs. Foster and Maude; and, after an examination, was remanded till Tuesday, Mr. Beswick, superintendent of the Manchester police, stating by that time he should be prepared with his witnesses."

Now he would ask the hon. and learned Attorney-general whether he were not correct in designating this imprisonment of the petitioner, without examination, from Wednesday to the following Tuesday, an illegal transaction on the part of the magistrates? The law was, that, when a man was arrested, he should be carried before a magistrate as soon as possible, but it appeared that this petitioner was arrested on the Wednesday, and was not carried before a magistrate at all until the Friday, although there was a magistrate sitting up stairs in the place where he was confined. It appeared that when Mr. Leech was carried before the magistrates, Messrs. Maude and Foster, they did not take the trouble to inquire into the case, but remanded him, without examination, to the following Tuesday; this, he contended, was an illegal proceeding, and he should like to see the lawyer who would say that it was not so. The petitioner proceeded to say,

"That good and substantial bail was offered, but was refused, on the ground that the offence was of so heinous a nature that no bail could be accepted."

He begged to remind the House, that the offence for which Mr. Leech was arrested was, that a placard was posted at his door in which the people were called upon to declare for the Charter.

"That your petitioner then, Mr. Leech went on to state, with thirteen others, was confined in a very narrow cell, where there was scarcely room for two persons to pass each other, and where the stench arising from a privy at one end of it, along with the disagreeableness of so many being] confined together in so small a space, rendered it most intolerable and disgusting. That at night your petitioner, with three others, Mr. Charles Turner, Mr. Tinker, and Mr. Seddons, were locked up in a cell two yards and a half by two, in which there were two beds, two feet and a half each in breadth; one of these cells are usually allowed for two prisoners, though they be felons. The beds were swarming with vermin, and the narrowness of them rendered it impossible for your petitioner, with the other prisoners, to take off their clothes. The consequence was, that your petitioner, with the other prisoners never undressed for thirteen days."

It appeared that the petitioner, as well as those confined with him, were remanded for thirteen days, because the superintendent of police thought proper to tell the magistrates that if they were remanded, he should be enabled to produce evidence against them at a future day. At the same time, it was clear that this man knew that there was no evidence, and that he should not be able to bring forward any evidence showing criminality on the part of these persons. The fact was, that this was done to prevent these persons being set at liberty, and they were thus confined in this disgraceful manner in defiance of the Habeas Corpus Act, which, notwithstanding the boast of the Government that the ordinary law had proved sufficient in their hands, had been virtually suspended by the magistrates in these districts.

"That on Sunday (the petition continued) your petitioner, with thirteen others, were paraded in the prison yard before Sir Charles Shaw, Inspector Irvin, MacMullen, and others of the Manchester police. Your petitioner was called out from the rest of the prisoners by Sir Charles Shaw, and asked if there was anything he could do to serve your petitioner; that your petitioner complained of the great hardships to which he was subjected, not being allowed to see any of his family or friends, and requested him to see Mr. Maude upon that subject, which he promised to do; that gentleman (Maude) however, refused every application made to him, and during the whole period of your petitioner's confinement, neither friend nor even legal adviser was allowed to visit him. That on the following Tuesday, August 23, your petitioner was again brought up before the above-named magistrates, and after a lengthened examination, was again put back till the Friday following, the prosecutor stating, that by that time, he had no doubt but he would be able to prove a very serious offence against your petitioner; good and substantial bail was again offered, but refused on the same grounds as before. That on Friday, August 26, your petitioner was again brought up, and after an examination of witnesses had been gone

> through at great length, was committed to take his trial at Liverpool, but he would be allowed to go out, upon finding two sureties of 200*l.* each, and himself in 400*l.*, giving forty-eight hours' notice of bail; that bail was immediately tendered in court; notwithstanding, your petitioner was put back till the forty-eight hours should transpire, and was ultimately liberated on Tuesday the 30th day of August, at four o'clock in the afternoon, being ninety-six hours in prison after the bail had been first tendered in court."

Now, it was clear in this instance, that forty-eight hours was not required to inquire into the solvency of the bail; but it was determined to prolong the imprisonment in the most wanton, unjustifiable manner, for forty-eight hours longer. If a committee were granted, he should be able to prove, that it was well known to the magistrates that the bail which was offered by Leech and his fellow-prisoners could not have been better as regarded the gentlemen who presented themselves for that purpose:

> "Shortly after, your petitioner was again arrested on a second charge of conspiracy, and after seven days' confinement in New Bailey lockups, was liberated, upon finding two sureties of 200*l.* each, and himself in 400*l.*, to appear at Liverpool, and answer to the second charge of conspiracy. That your petitioner appeared at Liverpool, when the first charge upon which your petitioner was arrested, and after suffering thirteen days' confinement under the circumstances above mentioned, the indictment against your petitioner was abandoned, and, as he believes, from a knowledge the prosecutor had that his witnesses were most grossly and foully perjured, and that your petitioner had ample means to prove them so. That your petitioner has great reason to complain of the unconstitutional conduct pursued towards him by the authorities and police of Manchester; your petitioner, therefore, prays that your honourable House will be pleased to institute an immediate inquiry into your petitioner's case."

The result, then was, that when they went to trial at Liverpool, the whole charge was abandoned, and thus these men were kept nineteen days in prison without bail, when it was clear, from the very commencement, that the whole charge must be abandoned. After such a proceeding, it was monstrous to talk to them of justice to these individuals. Mr. Leech stated, that he had been confined with Messrs Turner, Tinker, and Seddons. He should now call the attention of the House to the cases of Mr. Turner and three other persons, some of whom had been confined for thirteen days, and some for nineteen days. Mr. Turner was a highly respectable printer in Manchester, and the supposed offence with which he was charged was the printing the placard which was affixed to the door of Leech, and for which he was apprehended. For this Mr. Turner was taken up, and confined in one of the cells of the Town-hall for three or four days before he was examined. When he was arrested, also, a very great outrage was committed with respect to two of his apprentices, who were carried away by the superintendent of police under the pretext that if the apprentices appeared before the magistrates with Mr. Turner, they could get back earlier to tell the result to Mrs. Turner. [The *Attorney-General*: Is that alleged in any petition.] Mr. Turner had not presented any petition to the House, but he had been requested by that individual, and by Mr. Tinker and Mr. Seddons, to make their respective cases known to the House. Turner, then, was carried to the cells, and after the lapse of time which he had already described, and after all possible impediments which had been thrown in Turner's way to get bail, he was liberated. Turner, on hearing the nature of the charge against him, and believing that he had been guilty of no offence, on his trial at Liverpool pleaded guilty to the mere circumstance of having printed the placard, and since then he had not been called up for judgment. But was this an offence of such a nature that a person merely charged with it should be locked up in a felon's small cell, with three others, and obliged to lie on a bed with another prisoner, and the place swarming with vermin? This was a most revolting proceeding towards those who were presumed to be innocent in the eye of the law. The apprentices were carried away under the pretence that they would shortly return and inform Mrs. Turner of the result; but instead of that they were conveyed to the Isle of Man and kept there until the special commission sat at Liverpool, last October, for the purpose of giving information and evidence against their employer. As he had just stated Mr. Turner, thinking that he had been guilty of no harm in printing this paper, when his trial came on pleaded guilty, and what was the result?—why that he had not been brought up for judgment. But when the persons who were engaged in getting up the cases for the prosecution at this commission found that they could make nothing of the apprentices, and that they were not necessary for the prosecution of their employerand the other persons against whom charges had been brought respecting the placard, they sent the superintendent of police to Mr. Turner, and said that he must take back his apprentices. Mr. Turner replied no, they had left his service, to the great injury of his business, and the persons who had induced them to do so were the responsible parties. Upon this, Mr. Beswick, thinking to alarm Mr. Turner, pulled out a letter which he alleged he had received from Mr. Gregory, the gentleman who was sent down by the Government to investigate the cause of these disturbances, and read it to him, in which it was stated, that if Mr. Turner did not take back the boys, that the Government would have him up to London, and proceed to have sentence passed upon him. Now he should like to see the government which would dare after this, bring up this person for judgment, because he did not comply with the orders which were alleged to have been made respecting these apprentices by Mr. Gregory, and which apprentices, by the bye, he still refused to receive. Then, with respect to the cases of Messrs. Tinker and Seddons; he thought that their treatment had been still worse. He would read to the House a statement which had been made to him on this point by these two persons. They stated:—

"On the 14th of August, 1842, we Isaac Tinker and George Seddon, were apprehended and taken from our beds at two o'clock in the morning by the superintendent of police, Richard Beswick, and a numerous body of special constables and soldiers. We were then taken to the Town Hall, Manchester, and after undergoing the ordeal of searching were locked up, without an hearing before a magistrate, or examination during a period of six days; that is to say, from the two o'clock on the morning of Sunday, until ten o'clock a.m., on the following Friday. At this period (Friday) we were brought before the stipendiary magistrate, Mr. Maude, when Beswick, not being prepared with evidence, we were remanded until the following Tuesday. On this occasion our able barrister, Mr. Green, proved, that the several charges of the indictment were only misdemeanor offences. The officer who apprehended us refused to show his authority for so doing. We were again remanded till the following Friday, when, no evidence being forthcoming, we were again remanded till the Tuesday next, we were then brought up in a close court, and our friends refused admission. Mr. Beswick again appeared, but stated that he had no evidence to adduce, although he confessed, 'he had ransacked the town for that purpose.' We were now admitted to bail, to appear again in a fortnight, and were compelled to find two *bona fide* sureties of 100*l.* each. At the time appointed we again appeared at the borough court, when Beswick having communicated to the magistrates that there was no evidence we were dismissed. You will thus perceive we were in prison nineteen days, and eleven days on bail. In conclusion it may be well to state that we have both been unemployed since that period, and have scarcely the chance of succeeding again. Seddon, who is a delicate man, is fast declining, and Tinker and family are suffering severely."

These persons were in prison in this way for nineteen days, and there never was a grosser violation of the liberty of the subject than in this proceeding. It might be well to state that these men had been almost constantly out of employment since that period, and they assured him that there was scarcely any chance of their obtaining it again. After this, let him not be told that this was law, or anything like law, for the Habeas Corpus Act was virtually and practically repealed if such proceedings as these were to be tolerated. From the cases of Leech and his associates in the prison, he would proceed to that of Skevington. This person, in the petition which he presented to the House, stated that:—

"In the month of August last the people deemed it right to cease working, but were peaceable. On the day before the people struck (Thursday August 18th), the magistrates of this district commenced swearing in constables; and on the Friday, the day the people struck, they swore in the whole day—they were sworn in drinking at the public expense. A peaceable meeting was held at six o'clock in the evening, and notwithstanding two special constables endeavoured to make a disturbance the people separated quietly, intending to meet at eight the same night, but the constables being so drunk, and anxious for a riot, the meeting was given up, to show that the people were for peace. The magistrates continued at the public office, and had the attendance of policemen, pensioners, and special constables, which caused boys and girls to assemble, from curiosity, when no disturbance having taken place, the riot act was read. On the following morning the 20th of August, I was arrested at my own door, on a charge of using seditious language, about one or two hundred policemen, pensioners, and constables, with the head of the police, coming for me, and I was taken before the magistrates, Messrs. Philips and Dawson and the rev. J. Dudley. On the testimony of one constable, whose evidence was refuted by three witnesses, I was ordered to find bail to keep the peace for six months, only one hour being allowed to obtain it. *Bonâ fide* bail being then refused, I was conveyed to Leicester, escorted out of the town by about 500 policemen, pensioners, and constables, and nine soldiers with drawn swords, the soldiers and four policemen going all the way with me. At Leicester I was treated as a felon, and lived on felon's fare, washed in the bath, prison dress, &c.; remaining there till the 23d of August, when the difficulties thrown in the way of bail were removed. Your petitioner further begs to state, that on the following Monday some persons were taken up on the highway, and required to find bail for having walking-sticks. On Tuesday afternoon, scouting parties were sent out, one of which found some men at the monastery, where soup is given away; they brought them away as beggars, getting here about five o'clock the same evening; and after nine, though they had been sent to bed, the magistrates had them called up, and committed for one month, and one man, because he was known to be a Chartist, to three months' hard labour."

With respect to the men who had been taken into custody, and who had been alluded to by the petitioner, he had received a representation regarding their case, from a person of the name of Warner, which he would read to the House. This paper was dated Loughborough, and stated,—

"John Mee and others were taken up on the 22nd of August, by the inspector and thirteen of the county police, armed with swords and cutlasses. They took them all to Loughborough police-station for safety, and in the middle of the night called them out of bed, and took them before Edward Dawson, esq., who was waiting at the governor's house. He asked the superintendent if he saw them begging? He said, 'No, but they (the prisoners) had said they were begging.' His worship said, 'that would do,' and asked their names. When J. Mee told him his name, the worthy magistrate's reply was, 'Oh, I shall send you for three months to hard labour, and I am very sorry I cannot send you for longer.' 'And is your name Green?' to another. The answer being 'Yes.' 'Then you may go.' Without any reason whatever being expressed, the others were sent for one month each; and when they arrived at Leicester prison, the governor questioned them. He told them 'it was a very mean case, for I believe you are innocent;' and the chaplain questioned them very closely, and said, 'I believe you are innocent, because you are all in one mind, and one tale; but God was visiting them for some of their former sins.' Now, Sir, the facts of the case are these:—There is a monastery about a mile from Sheepshead, where soup is given away every day to all the poor that go; and they were in the soup room, and Father Edwards told them to wait a minute or two, and he would bring them something to eat; and before they had time to bring them any, the police force entered and dragged them away. Before the police reached this hospitable building, they met two men on business, whom they seized, and asked the inmates whether these two men had not been there begging; and they said, 'No,' 'What, not a little water?' And the reply was again 'No,' but the police themselves then had the daring impudence to beg some pears which they saw. They then asked whether the cottagers had seen many persons go up to the monastery; and they said, 'there were persons continually going up, so they could not tell who went.' All this was done without the knowledge of the inmates of the monastery; and Father Edwards says that he will give his oath they never asked for anything.'"

He had always understood that it was a privilege of the poor to go to and obtain soup, or other charitable donations, from an institution like the present, without their being interfered with. Was it not monstrous, then, that men under such circumstances should be committed for three months, or one month, at the discretion of a magistrate, merely because they were known to be Chartists? He then came to a case of a most disgraceful character which had occurred at Manchester, he meant that of the rev. J. Scholefield, who had been kept seven days in prison without any charge being brought against him. The fact of the rev. Mr. Scholefield being arrested in the manner in which he was, and the treatment which he was exposed to, reflected the greatest disgrace on the magistrates who treated a most respectable Dissenting minister in this way. This gentleman was arrested at six o'clock in the morning, on the 30th August, with his son, only twenty years of age, and described the treatment which he then met with, in a letter addresssed to him (Mr. Duncombe). Mr. Scholefield said:—

"On Friday, the 30th of September, 1842, as soon as the servant opened the gates to my house, a little before six a.m., three of our police constables, Messrs. Beswick, Irwin, and Green, came into my house and sent the servant up stairs to say that I was wanted immediately. I came down, half dressed, to know the purport of their early visit. Mr. Beswick said, 'I have a warrant against you.' I said, 'Very well; I will dress and come down again directly.' I returned and said, 'What is the nature of your warrant?' He read the substance of it, being for 'riot, conspiracy, &c.' I said, 'Very well, I am your prisoner.' I was giving instructions to my son, a youth in his twentieth year, as to what he must do. 'Yes,' says Mr. Beswick, 'but I have a warrant against him also, for publishing a seditious placard.' I asked him if he had any more? He said, 'No: but before I go I must look over your papers, letters, drawers, &c.' I said, 'Very well;' and ordered my daughter to open any place he might wish. He accordingly commenced his search (without legal authority, as I have since learned). He emptied one drawer of the whole of its contents; very dilligently examined the surgery; then, into my private room, where was opened for him my secretaire, portable writing-desk, drawers, &c. He was very curious in prying into things that could not really concern him, such as my deeds, banking book, &c. I said to him, 'Surely there is no treason there.' Then, to the drawers and work-boxes of my daughters, in the sitting-room and bed-room, and into all the rooms in the house. They took a large parcel away with them, and which I have not as yet got back; but it is remarkable that not one document was produced, either in Manchester or Lancaster, against me. We were taken in a coach to the police office; after a while were sent for by Sir Charles Shaw, chief commissioner of police, whose term expired that very day, and he told us to go to the Borough Court, and ordered an officer to follow at a respectful distance. There we found many others. We were not there long, before we were sent from thence to the New Bailey, the county court, and, until it opened, we were, with about a dozen others, crammed up in a small cell about three yards wide and six or eight yards long, with a disgusting and offensive place at one end, sufficient to make any one sick. About one o'clock we appeared in court before Mr. Maude, the stipendiary magistrate; and Mr. Gregory, not having any charge against us ready for a hearing, we were remanded until the Tuesday following. I offered bail for myself and son's appearance; but no, my case was so serious that nothing but my person could be taken; as a favour my son was out on bail. I was thus at once cut off from all my professional and important duties, pecuniary transactions, &c., and my own son could not see me without a magistrate's order. Tuesday came, and after the examinations my son was to find bail in 200*l.* himself, and two others of 100*l.* each, and myself in 800*l.* and two sureties of 400*l.* each, with forty-eight hours' notice. My bail was tendered then, but refused; at the expiration of forty-eight hours again offered at the Borough Court, before Mr. Maude. He was about to receive it, but one of the police officers put him a slip of paper on the bench, and he then said they must make further inquiry. On this they (the bail) went to Sir Thomas Potter, and told him their case. He said he would take the word of any of them for 1,000*l.*, and promised to meet them at the New Bailey at five o'clock, 'and we'll have him out, you shall see.' The time came, and it was done. Thus was I at liberty again, after a week's imprisonment; and since, at Lancaster, a complete acquittal, and my son not prosecuted at all! The expense, inconvenience, and annoyance have been great."

This policeman then took the papers of the rev. Mr. Scholefield away, and had never returned them, although that gentleman had repeatedly applied for them, and not one of these documents which had been so illegally taken from Mr. Scholefield, had been used on the trial by the Attorney-general. The result of the trial was, as was to be expected, that the rev. Mr. Scholefield was honourably acquitted. Thus, then, this gentleman had been remanded to the New Bailey prison, from day to day, for the purpose of enabling the superintendent of police (Beswick) to get up some feasible charge before the magistrates. The next petition to which he should call the attention of the House, was that of George White, news-agent of Bromsgrove-street, Birmingham, who complained strongly of having been committed to gaol on the evidence of hired and acknowledged spies. He said—

> "That your petitioner was arrested on the 26th day of August last, upon a charge of sedition, and was brought before Messrs. Spooner, Beale, Moorsome, and other magistrates then assembled in the public office at Birmingham, and was committed to Warwick county gaol on the evidence of hired and acknowledged spies, and others of notoriously bad character, to take his trial at the ensuing sessions."

Now, if anything could be more disgraceful to a government, or a magistracy, it was the employment of spies. He did not believe that the right hon. Baronet, the Secretary of State for the Home Department was at all cognizant of, or a party to, the employment of spies on this occasion, because he did not believe, that he could have anything to do with so disgraceful a proceeding. With respect to what had occurred to George White, against whom there was nothing but police evidence adduced, when he was taken before the magistrate, the first witness produced against him was police-sergeant Davy. On being cross-examined, this witness said that he was acquainted with a man of the name of Brown and the petitioner, and that he was accustomed to walk about with them. That he always did so in coloured clothes, and that he did not think they knew that he was in the police. He was asked whether he were instructed by any one to do this, and he replied by his superior officer. On his being further asked, whether he had received any orders to insinuate himself into the confidence of White and the other person, his answer was interrupted by Mr. Griffith the magistrate, who said, that the witness was not bound to answer the question. On White expressing a strong wish to ask the question, Mr. Spooner, another of the magistrates, said that he had a right to put the question, but it was in the discretion of the witness to answer it or not. On the question being again put, the witness declined answering it. Could there be the least doubt, after this, that the spy system was practised and sanctioned during the late proceedings by the local authorities of Birmingham? White, in his petition, further stated:—

> "That your petitioner thereupon applied for leave to put in bail, which was agreed to by the magistrates, who demanded six sureties in 100*l.* each, and himself in 600*l.*, with forty-eight hours' notice. That your petitioner had good and sufficient bail then present in court, who were well known to be such by the magistrates. That Richard Spooner, Esq., one of her Majesty's justices of the peace, informed your petitioner in open court, 'That he should not accept any person holding similar political principles with those of your petitioner, as bail on his behalf.'"

Now, he should like to know, whether a person in the situation of the petitioner, entertaining the opinions which he did, was likely to get either a Tory, or a Whig, or a member of the Anti-Corn-law League, to come forward and offer bail for the petitioner; but it did so happen that Mr. George White had bail to produce, who were not men who entertained any strong political opinions. On his offering these persons, he was told that he must give notice of bail, and the petitioner complained strongly of the treatment which he experienced in gaol, which he stated was like that of a common felon, and he had no doubt, that if the House would give him a committee, that he should be fully able to prove this. All kinds of intimidation was practised by the police towards those who signified their willingness to become bail for the petitioner. In one instance, one of the authorities of the town went to a most respectable man, who happened to be a licensed victualler, and who had offered to become bail for the petitioner, and said to him,—

> "Your licence will be in danger on the next licensing day if you become bail for George White."

In consequence of these proceedings, notwithstanding good bail was offered for the liberation of the petitioner, he

> "Was confined in solitude and cold for the space of eleven weeks, during which time your petitioner's wife gave birth to a child, and was thereby incapacitated from attending to your petitioner's business, thereby subjecting him to serious loss, independent of the agony of mind which he had to endure."

The whole of his papers, the petitioner stated, were taken from him, and when, on his bail being at length perfected, he applied for his letters and papers to be given to him, in order that he might prepare his defence, they, as well as his other property that had been taken, were detained by order of the rev. J. Boudier, one of the visiting magistrates of Warwick county gaol. He was utterly at a loss to understand by what authority this reverend magistrate had kept back from the unfortunate prisoner the letters and papers which were necessary for him in the preparation of his coming defence. Mr. White went on to state:—

> "Your petitioner has since applied to the magistrates of Birmingham to have his property restored. They expressed a wish that it should be delivered up, and wrote to the visiting magistrates of Warwick to that effect. That your petitioner was referred to Sir James Graham, and wrote to him on the subject, requesting that his property might be restored, or a sufficient reason given for its detention; and that her Majesty's Secretary for the Home Department refused to give it up, or state the grounds on which he withheld it."

Now, Mr. White was a working man with a family depending upon his exertions, yet in this manner had he, for a period of many weeks—months, indeed—been prevented from attending to that business by which he had maintained himself and those who were dear to him. Now, that was not the only case of the same class. There was the case of Robert Brook, of Todmorden, whose petition had also been printed with the votes that morning. This petitioner complained:—

> "That your petitioner was arrested at his own house, Back Brook-street, Todmorden, on the 5th of September last, upon a charge of sedition, conspiracy, and riot, &c., and was brought before John Crossley, Esq. of Scaitcliffe, Todmorden, and James Taylor, esq. of Todmorden-hall, when your petitioner was grossly insulted by the said John Crossley esq., and amongst the language used was the following:—'I have got you at last, and I am glad of it, and I will take care to punish you; you have given me a deal of trouble with writing to that rascally *Northern Star.*'

"That your petitioner was required to find bail in the sum of—himself 200*l.*, and two sureties 100*l.* each; and when two persons of good and unblemished character, and both men of property, and both county voters in the West Riding of Yorkshire, presented themselves as bail, the said John Crossley, esq. told them, 'he would not take their bail because they were Chartists, and said he would not take a Chartist as a bondsman, for he was determined to put down the Chartists in Todmorden,' and the constable was ordered to take me away, but through the interference of the solicitor, sent down to look into the case, your petitioner was recalled, and the same individuals taken as bondsmen.

"Your petitioner was again arrested, and brought before the magistrates at Manchester, whose names your petitioner does not know, and requested to find other bail to the amount of—himself in 400*l.* and two sureties of 200*l.* each, but not being able to do so, your petitioner was sent to Kirkdale, along with many more in the same situation.

"Your petitioner was eventually brought up at Liverpool before Lord Abinger, to take his trial, when the first case was given up, and your petitioner traversed the other, and had to find bail, himself in 200*l.*, and two sureties 50*l.* each.

"Your petitioner complains that he was kept in prison, on account of such excessive bail being required, until the trials came on at Liverpool, when Lord Abinger reduced his bail as follows;—from himself 600*l.*, and sureties to the amount of 600*l.*, to himself 200*l.*, and sureties to the amount of 100*l.*

"Your petitioner, therefore, prays that your honourable House will be pleased to institute an immediate inquiry into your petitioner's case."

And well he might pray for an inquiry into his case. It was perfectly clear to him, that there had been a regular conspiracy on the part of the magistrates throughout this part of the country on this occasion. He was borne out in this assertion by the disgraceful conduct of two magistrates of Staffordshire, in the case of Mr. Arthur George O'Neil, whose proffered bail were refused by these two gentlemen for precisely the same reasons. When Mr. O'Neil was brought before these magistrates, two good and sufficient bail presented themselves; men perfectly solvent, and in respectable circumstances, town-councillors of Birmingham, for which office they must possess a qualification of 1,000*l.* over and above what would pay their debts. On these gentlemen presenting themselves, the magistrates, Mr. Badger and the rev. Mr. Cartwright asked one of them whether he had not taken the chair at a Chartist meeting some six months before; and the other was asked, whether he had not signed the requisition calling that meeting. On their answering in the affirmative, the magistrates said at once they would not accept the bail of persons holding such opinions, and Mr. O'Neil was accordingly committed to prison, where he remained a considerable time. Mr. O'Neil's case was taken up by a benevolent individual, and a criminal information was filed against Messrs. Badger and Cartwright, who, he believed, were defended on that occasion by the hon. and learned Solicitor-General. And what was the justification they set up? They admitted the whole facts as stated by Mr. O'Neil, and they justified on the ground that the sureties proffered were Chartists. One other very extraordinary reason which was given, was a conversation which was stated to have taken place between Mr. O'Neil and one of the constables who took him to prison, or rather a conversation between the constable and a person of the name of Lancefield, who addressed him while Mr. O'Neil was with him; for all that it would seem Mr. O'Neil did was, "while eating a pork pie," as the deponent stated, to cry, "hear, hear!" to some remark one of the other parties made with reference to the Chartists giving the magistrates a good deal of trouble. If hon. Members of that House, whose custom it was to cry, "hear, hear," to sentiments unpleasing to the ears of Tory magistrates, were to find themselves brought up before Messrs. Cartwright and Badger, and have their proffered bail refused, because they and their bail differed with the worthy justices in political opinions, they would find how very inconvenient such a principle of administering the law was, though their case would be far lighter than that of men not so well able to help themselves like the various petitioners to the House on this occasion. What a justification was this of Messrs. Cartwright and Badger! Had not he Mr. Duncombe seen the fact sworn to, and well attested in the proceedings of a court of justice, he could not have believed such a statement in reference to gentlemen, named as, and calling themselves administrators of the laws. Another justification put forward by these individuals was, that the lord-lieutenant, and the magistrates generally of Staffordshire and Worcestershire, when these disturbances in Staffordshire began, met together, and agreed that any persons holding a particular description of political opinions, should not be received as bail in any case which might be brought before them. Now, here was a direct conspiracy on the part of the lord-lieutenant and magistrates to infringe, to violate that which had always been held to be the clear liberty, to be one of the most sacred rights of the subject, that of giving bail. And what was the opinion, upon this matter, of Lord Denman? What was the judgment of the court on that occasion? Lord Denman said,

> "The law is clear, and is as old as the statute of Westminster, 13 Edw. 1, c. 15. Lord Coke in his commentary upon that statute (2 Just. 191), says that, to deny a man plevin, who is plevisable, and thereby to detain him in prison, is a great offence, and grievously to be punished; and Lord Hale (c. 17) adopts the same remark; and Hawkins (Book 2, c. 15), speaks of a refusal of bail, as an indictable offence. Blackstone, referring to the ancient statute (Book 4, c. 22), the Habeas Corpus, and the Bill of Rights, calls it an offence against the liberty of the subject."

Lord Denman further on told the magistrates of Staffordshire:—

> "Almost the first page of their most ordinary text books, would have convinced these gentlemen that their refusal on such a ground to receive the bail offered, was not a legitimate exercise of their office, or a proper performance of their duty as magistrates, but quite the contrary."

This was the opinion of the Lord Chief Justice of England with reference to the conduct of this lord-lieutenant and his magistrates They pleaded ignorance of the laws, forsooth, as an excuse; how would such a plea be received from a poor working man, who might far more justifiably offer it? What effect would his saying he did not know that what he had done was contrary to law have upon the magistrates? Why, none at all; they would read him an additional lecture, and send him to prison for several months, there to work hard, and turn the tread-mill. It was a very different thing with lord-lieutenants and magistrates of counties; let them behave ever so grossly, let them violate the liberty of the subject in however flagrant a manner, and not the slightest notice was taken of them. At all events, he had not yet heard, though he should be most delighted to hear it, that her Majesty had been advised to strike these magistrates from the commission of the peace. He trusted, however, that the Government would not fail to take into their consideration whether such persons ought any longer to be entrusted with the administration of the laws of this country. When he saw the lord-lieutenant and magistrates acting in this manner in Staffordshire, it was not to be wondered at that the same conduct should be observed in other cases which had been brought before the House, such as those of White, Brook, and the rest. There were other petitions from Messrs Robinson, Arthur and Allinson. He would not detain the House by going through these petitions. They complained of a very great grievance, and he was sure that if hon. Gentlemen would carefully read these various petitions, and inquire into the subject, they would be satisfied that there was ample ground for these complaints, and that it was essential an inquiry should be made into the conduct of the magistrates; and that it was full time to provide some security that such outrages upon the liberty of the subject should not again occur. There was another case to which he would now call the attention of the House, and this was a petition in reference to certain proceedings at Nottingham, and in the House of Correction at Southwell; and certainly he could not compliment the hon. and gallant Gentleman opposite, the Member for South Nottinghamshire (Colonel Rollestone) for the views of justice upon which he had conducted the administration of the law on that occasion, on the bench of the Quarter Sessions at Nottingham. What did Jonathan Brown, and other petitioners complain of? It would appear that that district, at the time of the general excitement, partook of the prevalent agitation; but there was this marked difference in respect to what took place at Nottingham and its neighbourhood, that there was not one single act of violence committed, not a single stick or stone used, not a single pane of glass broken. On one occasion, however, some persons did collect at a place in the neighbourhood of Nottingham, at the distance of two miles from that town, to the number of between 400 and 500; they assembled in consequence of a notice which had been publicly issued, that on that day several cart-loads of provisions, which had been subscribed for among certain benevolent persons, would there be distributed to the poor. One or two parties had visited the same place two days before, and no damage whatever had been done: but, on the occasion of these poor persons going to the place to receive the promised provisions, of which they stood so greatly in need, they were surrounded by a body of police, and the whole 400 or 500 persons, without any rhyme or reason assigned, were marched off to the House of Correction, at Southwell, no Riot Act having been read, no act of violence whatever even attempted. When they were lodged in prison, before they were brought up for examination, they were visited by a sergeant of the 45th regiment, and by a non-commissioned officer of the 60th Rifles, by whom they were asked if they would not enlist; the parties saying—

> "If you do, you will get plenty of meat and drink, and get out of your troubles; if you do not, you have got into a terrible scrape, and you will smart for it."

This was the first time that he had heard of a house of correction being turned into a crimping house for her Majesty's service. The men, however, one and all refused, saying they had done nothing wrong. Some of the magistrates and police were present at the time. Having this immense number of men in the House of Correction, the officers there were puzzled to know what to do with them. They were accordingly desired to class themselves according to their townships; they were then called over, one after another, and as the policeman said "No," or "Yes," to A or B and so on, A or B was sent away or kept, and of the 500 who had been arrested, but 29 were detained. On these 29 being brought before the magistrates, he believed, that the hon. and gallant Member opposite (Colonel Rolleston) said the bench was determined to make a severe example of some of them, and therefore he committed them for trial. They complained, that the observations of the hon. and gallant Member, the committing magistrate, would operate prejudicially against them, and asked to be tried before an impartial and unprejudiced jury at the Assizes, and not at the Quarter Sessions. They were told to make their application to the Secretary of State for the Home Department; they made that application, and to it, he believed, the right hon. Baronet opposite (Sir. J. Graham) returned no answer. The consequence was, that the men so committed, were brought for trial before the Court of Quarter Sessions in October last. The hon. and gallant Gentleman charged the grand jury as if great violence had been exhibited; and that the jury would have little difficulty in the matter, as the evidence was so clear. Again, the manner in which the trials of these men were conducted, was entirely contrary to the spirit of the law; and to this point he not only begged the attention of the House, but that especially of the law officers of the Crown. In the first instance, four men were put upon their trial, and when the verdict had been found against them, the same four men were again placed upon their trial with nineteen others, charged upon an indictment alleging an offence on another day; and yet on this second trial, the evidence applicable to the proceedings of the previous day was admitted. Now, he was sure, that this was contrary to every sense of justice; but this was not all. The prisoners claimed to be tried by a different jury; and though there were plenty of jurymen in court, this was refused. But the matter did not stop there. Of the nineteen or twenty already tried and convicted, some were again placed at the bar, with nine or ten others, for trial on a third indictment. These again remonstrated, and asked for a fresh jury to be sworn. That was refused—again the same evidence was brought forward on the third as on the first day, and the petitioners complained, that the hon. and gallant Member, the chairman of the Quarter Sessions, in summing up on the third day, adverted to evidence given on the first, and not laid before the jury in the case they were then engaged in trying. Their counsel had been then obliged to leave for Derby, but he believed Mr. Brown, the solicitor who defended them, reminded the chairman, that in summing up, he had adverted to evidence given on the first trial, but not brought forward on the third. He believed, that the answer given by the hon. and gallant chairman of the Quarter Sessions was this:—"I may have done so; I am not quite sure what I have done." But the consequence was, that those twenty-nine individuals had been found guilty by the jury, and had been sentenced, some of them to six months' imprisonment, and others to imprisonment for a shorter period. They had petitioned Parliament. True it was, that the hon. and gallant Member, had visited them since in the House of Correction, and had told them, after sentencing them, that if they would express contrition for the offence they had committed, he would intercede for them with the Secretary of State, and get them liberated. This offer these men had declined, declared that they had done no wrong to anybody, and that they were determined to take a different course, and bring the whole case before the House of Commons. They had now done so. The whole course of the proceedings of which they complained might be "justices' justice," but he was sure, that before a judge of assize, there would have been some difficulty in getting a conviction upon evidence which no judge would have admitted. He had now done with the law part of the case; but he wished next to call the attention of the House to what he considered as one or two gross outrages committed upon the lives and liberties of the people at Halifax, at Preston, and at Blackburn. With respect to the proceedings at Halifax, he would call the attention of the House to the petition of Samuel Crowther, which to day had been printed with the votes. He, however, understood, that at Halifax a very strong feeling prevailed that the whole conduct of the military on the occasion there was totally unnecessary and uncalled for. The petitioners stated, that before the military were called upon to clear the streets at Halifax they were made drunk; and at Blackburn the people seemed to think that the military had some compunction in acting against their starving fellow countrymen, and hence this system was resorted to, and at Halifax it appeared the military were kept at the Norfolk arms—that they were visited by the gentlemen of the town, who gave them money to expend in intoxicating liquors, in order, as it was said, "to keep them up to the mark." At Halifax all sorts of illegal arrests were made by the military, and though the parties were liberated, they had never from that time to the present been brought up for examination, nor had they been made acquainted with the grounds upon which they had been arrested. Preston, he believed, was the only place at which loss of life had occurred; but if he was not very much mistaken, if an inquiry was instituted, it would be found that the opinion of most persons in Preston was, that when the military did act their services were totally uncalled for and unnecessary. Of course the military were not to blame for acting under the authority of the magistrates; but when the firing took place the people were very much exasperated by the conduct of police. Stones had been thrown chiefly by boys, and at last, to the great astonishment of the well disposed persons standing in the street at the time, the military opened out and in sections began firing on the people. This was according to an account he had received. The beholders were astonished, because they never thought the soldiers would fire, and many of these bystanders, who stood laughing at the contest between the boys and the police, were in almost as much danger as those who were shot. The soldiers could have driven the people back by a charge if they had not been ordered by the magistrates to shed blood. It was the universal opinion of the people of Preston that never was there a more diabolical act committed than this. Even where the thickest of the contest with stones was going on not a pane of glass was broken, but one was broken by a musket-ball, fired by the soldiers. From the few persons fired at, and the number shot, it was plain that every shot was intended to take effect; thirteen persons were wounded, of whom four had afterwards died. Now, he thought that the Government ought to satisfy itself that this loss of life was absolutely necessary at that time. In a letter which had been sent him on the subject, the writer distinctly stated, that at the time the magistrates sent for the intoxicated soldiers, horse and foot, to clear the streets, and spare neither man, woman, nor child, there was not the slightest breach of the peace apprehended by any one but the authorities; and the writer went on to remark:—

> "If such proceedings as these are not calculated to goad on a peaceable people to acts of violence, I do not know what is. To see the soldiers cutting and bayonetting, in all directions, at peaceable and inoffensive people. Persons passing along the streets, no matter what busines they were upon, were driven before the soldiers at the point of the bayonet or sabre, from one street to another, till opportunity of escape offered; scores were cut with swords, and pricked with bayonets, and some of them very severely."

They had talked about an inquiry into the Manchester massacre which had never been granted; but he knew from the speeches of the right hon. Baronet (Sir J. Graham), that he himself thought that loss of life at Manchester totally unnecessary and uncalled for; but on that occasion there had been much more reason for such a measure than there could have been at Preston in order to disperse a mob of some 400 or 500 boys and women. At Blackburn there had been still less reason for the military acting. The conduct of the magistrates there, if what he (Mr. Duncombe) had heard were true (and he believed it was rather within the mark, and that he should be able to prove it, if investigation took place), was such, that in the opinion of the reflecting and sober-minded inhabitants of Blackburn of all parties, never did men exhibit themselves so disqualified for the office they held. It appeared that on the 15th of August a body of men went to the mill of a Mr. J. Eccles there, and the parties in the mill had fired at the mob, and in so doing an officer in command of the soldiers was nearly shot. The military then took into custody those who had fired from the windows, and escorted them away in a coach. A great crowd followed after the coach, and by groans and shouts exhibited their disgust at those who had fired on them; but these execrations had been directed against those in the coach, and not against the police or the military. Whilst they were shouting an officer turned round and told them if they did not desist they would be fired upon. After this three or four stones were thrown, and this had so exasperated Mr. Feilden, the magistrate, that he had ordered the troops to fire, and five of the crowd were wounded, but none mortally; no thanks, however, to the perpetrators of the wounds, as the result would show. The persons fired at were within two yards of the points of the soldiers' muskets. Two persons had their eyes shot out, two were shot through the leg, one through the thigh, and one young woman had five balls through her body. The soldiers at this time might easily have put the people back with their bayonets. He did not blame the military for firing; they were bound to obey the magistrates who told them to do so; but would they tell him that this magistrate was justified, because stones were thrown when the people were close to the muskets of the soldiers, in ordering the military to fire on them! What had happened afterwards in consequence of this? On the following day, the 16th of August, some of the people had gone to a mill for the purpose of turning out the hands; but few workmen were in the mill, and those were armed. On the mob presenting themselves at the gates, fourteen armed men fired upon them, and wounded several; and, on the mob leaving the premises, these armed workmen—not troops—had run out into the street after them, and followed them for a quarter of a mile, still firing upon them. From the example set to them the day before, these men thought they could do anything with impunity. The soldiers, too, had been regularly served with ale by the inhabitants, and never was such an instance before on record of soldiers, under such circumstances, having been served with bread and cheese and ale at a time when they ought to be most cool. The magistrates, also, were riding up and down through the streets armed, in order to show how fit they were for their situations. Mr. Montague Feilden, was riding about armed with a cutlass and a pistol, another magistrate rode about armed with a truncheon and a horse pistol, and their clerk accompanied them armed in a similar manner. Did ever any one hear before of magistrates riding about a town armed? If this were not enough to excite the inhabitants, it was impossible to imagine what was. Then there was a case of gross outrage at Halifax, on the person of Samuel Crowther. The case was thus stated to him in the letter of a correspondent:—

> "In going (on their return to the barracks) by the Smithy-stake, the soldiers passed through a narrow causeway, which leads to the barracks. Samuel Crowther, a nail-maker by trade, who resides in King-street, when the soldiers had passed, went out to look for one of his children that was out of the House—he was within a few yards of his House when he was shot! Feather, the constable, was with the soldiers or standing by at the time he fired; there were not half-a-dozen persons in the street at the time. Crowther was in the army ten years prior to 1816, belonged to the Artillery, was at the battle of Waterloo and many other engagements prior to that, was then discharged with *5d.* per day pension, in addition to which he could work at his trade before this misfortune happened, but has never been able to work since; he had 2*s.* per week from the parish for six weeks, they would then relieve him no longer; he is now obliged to live on his pension, or be a burthen upon some one else; he is fifty-four years of age; he is a married man, and has a wife and small family. The above is strictly correct; I have it from Crowther himself, he says he thinks he shall never be able to work any more."

Now it was to be observed, that in the particular part of the town where this poor old man lived, there had not been the slightest disturbance, and therefore the act in question appeared to be an instance of mere wanton outrage. Mr. Bingley, the reporter for the *Leeds Times*, and Mr. Hall, of the *Leeds Mercury*, were eye-witnesses of the circumstances, being within two yards of the victim at the time of the occurrence, and were prepared to prove the facts as they appeared in the newspapers at the time. That account in the *Leeds Times* ran thus:—

> "The affair took place in King-street, which is in the vicinity of the barracks and police-office. A small number of the Hussars, who had been clearing the streets, turned up the bottom of King-street, and, after proceeding a few yards, were filing into a street called Nelson-street, which runs out of it. At the time that Messrs. Bingley and Hall were approaching the top of King-street, an old man, named Samuel Crowther, a nailmaker, was coming towards them, apparently to go to his own residence, which was only two or three yards distant. At this period there was not the slightest disturbance in the streets, and, indeed, there were not, it is believed, twenty persons in the space betwixt the top of the street and the soldiery towards the bottom, a distance of probably nearly one hundred yards. All the soldiery had disappeared along Nelson-street, except one man who paused and looked in the direction of the persons above-mentioned, and then levelled his musket, and appeared to take a deliberate aim at them. Not the slightest alarm was felt by either Mr. Bingley or Mr. Hall, who, seeing no cause for violence, apprehended none, and regarded the action of the soldier as, simply, a piece of bravado, and looked at him, with perfect unconcern. The soldier, however, fired, and immediately the old man staggered and reeled in the direction ef his own door, but made no outcry. Mr. Bingley exclaimed, 'The man is shot!' or some such expression, but Mr. Hall, who had previously seen him in a fit, replied that he was only in a fit. In a few moments, however, a number of women rushed out of the House, exclaiming that the man had been shot, and on entering the House, which was crowded with women uttering loud screams, the old man was found lying on his back on a bed up stairs, with a wound in his abdomen, his shirt was saturated with blood, and he was writhing with agony. Messrs. Bingley and Hall immediately went to procure the attendance of a surgeon. On calling afterwards, it was understood that there was but little chance of recovery. At the time the shot was fired, Mr. Bingley and Mr. Hall were only about a yard from the man who received it. A more deliberate piece of butchery was never witnessed."

The poor man was carried to the infirmary where he remained for eighteen weeks. He was now incapable of work, yet from the time of the outrage up to the present moment not the slightest inquiry had been made into the matter. No committee of the town's people had investigated the matter. No witnesses had been examined; nor was any thing done to elucidate the transaction. Some London newspapers referred the matter to Leeds, which might be one reason why no inquiry took place; but there could be no doubt or mistake about it; for what said the *Bradford Observer?* That paper said:—

> "Murder, or What?—On Tuesday afternoon, whilst Mr. Samuel Crowther, a respectable nail-maker, and aged pensioner, was standing at his own door in King-street, watching the Lancers pass by, one of the advanced guard having passed him forty yards, at the corner of Nelson-street, turned round, and shot the brave disciple of Wellington through the body."

He took that from the Bradford paper. There was no doubt, then, that it was true, no doubt; the House could not doubt that the man had been wantonly shot; that he had been seriously wounded; that he was even now in a sinking state; that it was impossible that he should ever resume work. It could not be supposed that these facts, and such facts as these, did not make a profound impression on the minds of the working classes. It could not be supposed, that they did not excite heart-burnings and discontent, and give rise to an opinion that no justice could be obtained for the working classes. They felt these things keenly, and they would continue to feel them. What must be their feelings, he put it to the House, with regard to Crowther? Let the House test the feelings of the working classes by their own. What happened in this town only a short time ago, when an amiable gentleman was shot in the streets, the victim of assassination? The whole town was thrown into a state of excitement, and the people called aloud for the blood of the maniac, who had committed the atrocious crime. He was confident that more doubts still would be thrown by the public on the administration of justice, that the working classes would feel still more mistrust; if the events at Halifax, which he had brought before the House, and while proceedings in the north were not strictly investigated. The local authorities of Halifax had neglected their duty in not bringing the offenders in this case to justice; and the House would equally neglect its duty if it did not institute the investigation demanded. He hoped, however, that the House would concede the inquiry, and so lessen the strong feeling which now prevailed amongst the working classes, that no justice could ever be obtained for working men. They said, that there was one law for the rich, and another for the poor, and if the House wished to disabuse their minds of this impression, it would grant the committee he asked for. The petitions he had presented were not, indeed, public petitions; they were the petitions of individuals; but they were members, and not unimportant members of the body politic. They had a claim to consideration if wronged; they had a right to demand redress when aggrieved; and these individuals looked with anxiety to the decision of the House on this night. On this occasion he would go further and say that, amidst all the hardship and privations to which, unfortunately, the working classes had been subjected during the last six months, they had looked forward with hope—indeed, he might say, that it was their only hope—that they should obtain justice from the Legislature—that a day of retribution would come, that inquiries would be made into their grievances, and that their wrongs would be considered and redressed. He believed he had made out his case; and if the House believed he had, it was the duty of Members, as humane men, as honest men, and as wise legislators, not to withhold the investigation demanded. He thanked the House for its indulgence; he thanked the right hon. Baronet (Sir James Graham), and the hon. and learned Attorney-General, for the attention they had paid to his statement. It had been necessarily long; it had been, he was afraid, wearying and painful; and, with these acknowledgments he would conclude by making his motion.

General *Johnson* seconded the motion. He thought that the excessive bail which was demanded in these cases, particularly at Dudley; and the excess was proved by the circumstance that the Lord Chief Baron had reduced the bail to one-third, was of itself sufficient to justify the House in instituting an inquiry. In his opinion the demand for excessive bail was contrary to all law, and contrary to all justice. Was that the way, he would ask, to put down Chartism? He remembered that a late Attorney-general, now a noble Lord, after a petition had been presented to this House, signed by 1,500,000 persons, by Mr. Attwood, had boasted, in a speech at Edinburgh, that he had put down Chartism. But was that done by making the masses discontented? He believed that the only way to put down Chartism was to give the people their rights, and do them justice; and that there was no other way to put it down. He thought it was impossible for the House to refuse the inquiry. There was no other alternative, except the ministers of the Crown chose to dismiss all the magistrates. Either they must grant the inquiry, or they must dismiss all the magistrates involved in the transactions. It was most unjust and improper in them to refuse bail to men on account of their political opinions, or to make them find excessive bail. The magistrates who did that were utterly ignorant of their duty, and unfit to be in the commission of the peace. He should like to know if a demand of 600*l.* bail and six securities for the appearance of a working man was ever heard of before? It appeared to him to be very ridiculous to have a combination to put down principle. It was right that these people should entertain their own opinions as well as others, whether they were right or wrong. He had great pleasure in seconding the motion.

The *Attorney General* said, the hon. Member for Finsbury had thanked his right hon. Friend and had thanked him for the attention with which they had listened to his speech, but he always listened to the statements of the hon. Member with profit and pleasure, and on this occasion he felt a deep interest, both as to the persons concerned in the administration of justice, and in the conduct of the Government of the country. Apart from all personal considerations, he had listened with great respect to everything which had fallen from the hon. Member in his address to the House; but at no given time, within six months perhaps, were the objections so strong to the motion of the hon. Gentleman as at present. He would state to the House why it must not grant the hon. Gentleman's motion for a committee, why it never granted such committees, and he would state reasons why the House should not vote with the hon. Member. The House had no means of giving any redress whatever. The hon. and gallant Gentleman who seconded the motion complained of the excessively heavy bail taken. But if excessive bail had been taken—if the parties held to bail had suffered any illegal or unconstitutional treatment—their proper means of obtaining redress was to apply to the law of the land. They should go before courts where the evidence and examination could be taken on oath; where the men accused could vindicate their conduct; where a jury, if they were criminally indicted, would find them guilty if they deserved it, and the judge could sentence them to punishment; or, if civilly prosecuted, the jury could return a verdict of large damages if the prosecutors had illegally been exposed to the smallest inconvenience. It was a mistake to suppese that a proceeding by a committee of that House, for the purpose of procuring redress, was in any degree the correct or constitutional course. If they had a committee, it could examine no witnesses on oath, and was not competent to correct any errors, or redress any wrongs. When the hon. Gentleman made his statement, and said that the case called loudly for inquiry, he should like to ask, as the hon. Gentleman had brought many individuals before the House, which of the score of cases did he mean—which of the individual cases did the hon. Member select—as worthy of the consideration of the House? If he might judge of the individual cases, he would give his word to the House that there was not the slightest pretence to justify an inquiry. There were none of the individuals brought before the House by the hon. Gentleman whose case would justify the statement that had been made. He would not undertake to follow the hon. Member for Finsbury through the whole of his statement; he should confine the observations he should submit to the consideration of the House, to the authentic information in his possession, and he believed that he should satisfy the House that there were no circumstances to justify the House in concurring in the motion of the hon. Member. He would first say of the motion, that it was somewhat ill-timed. Nor did he think that the persons in whose behalf inquiry was prayed, were judiciously selected. He would mention their names, as he found them in the notice of the hon. Gentleman's motion, and in the exact order in which they were put down. There was George White, of Birmingham; he did not state with entire certainty, but he believed that this man was subsequently convicted before Mr. Baron Gurney. The next was Robert Brook, of Todmorden, an individual who had undoubtedly been convicted at Lancaster. The next was James Leech, who had been convicted at the same county assizes; there was J. G. Harney, of Sheffield; and he also had been convicted at Lancaster; Jonathan Brown and nine other persons now in Southwell gaol had all he presumed been convicted, though they complained of their treatment, he believed, since their trial [Mr. *T. Duncombe:* ‘ prior to their trial’]. The next was R. T. Morrison, of whom he knew nothing; and then came John Skeffington, of Loughborough, but of John Skeffington he knew nothing, though there was a James Skeffington who had also been convicted at Lancaster; Jame Arthur, of Carlisle, who was a member of the executive council; John Allinson, of Stockport, the next in succession, was acquitted, and it was remakable that in his petition he did not state the nature of the circumstances on which his acquittal depended. He was not undefended, and being charged with being one of the Chartist delegates who had issued the proclamation, Mr. Arthur, was able to show that he was not present at the meeting at which it was agreed to. The rest of the individuals named by the hon. Member were persons from different parts of the kingdom. The hon. Member had gathered together some seven or eight different cases, embracing many persons, and proposed to blend them all in one enquiry. He might say that there were a score different transactions taking place at different times, and in different counties, some of them having no connection with the others, which the hon. Member proposed to send before the committee. As he had stated, he was prepared, judging from the authentic information which he possessed, and of which he did not doubt the correctness, to show that none of these transactions were proper for the investigation of a committee. He would show the House, without going into a committee, on evidence taken on oath—he would satisfy the House, from the nature of the cases to which the hon. Gentleman referred, and from the evidence brought before the court in Lancaster—that the statements in the petitions were not true. With respect to the latter part of the observations of the hon. Member for Finsbury, where the hon. Member alluded, as one means of throwing blame on the authorities, to the unfortunate necessity for calling out the military, he must say in common, he was sure, with the great majority of his countrymen, and in common with the Government, he lamented the circumstances which made that step necessary.

For those who had suffered he felt the deepest sympathy; but there was no occasion for a committee to ascertain those facts; nor was it necessary to ensure the sympathy of the House. If he were to judge from the statement of the hon. Member with reference to the transaction at Halifax, he should say that the circumstances could hardly have taken place as described, and he would tell the hon. Member why he said so. The feelings of the people of this country were not obtuse they were acutely sensible; and if the case as described were true, it was not a case for a committee, it was a case for a grand and a petty jury—it was a case to bring the man to trial who had fired at the individual in question, and had committed a great crime. Refer that case to a committee of the House! Why there could be no difficulty in finding out the individual who had fired the piece, and in having him arrested and brought to trial. He asked the hon. Member why he would refer such a case to a committee? [Mr. *Duncombe* said it was not taken up by the competent authorities.] If so, if the magistrates would not act, the grand jury was sitting, and a bill, if there were any foundation for a bill, might be obtained. Let the parties go before the grand jury and prove the facts, and no doubt the man would be put on his trial. That he was a soldier, gave him no exemption. He was amenable to the law though a soldier, as a constable was amenable to the law, and to the law recourse should be had. If half what had been said by the hon. Member were true, the man was not the proper subject for an inquiry before a committee of that House, but he should be tried before a jury, and be made to answer with his life to his country for this outrageous and atrocious act. Whether the case were so bad, he should probably enable the House to judge by the evidence, on oath, given at Lancaster, which would show that similar charges to that, at Halifax relating to Preston were destitute of foundation. The hon. Member for Finsbury spoke of the fury of the soldiers at Preston, and accused them in firing, of much unnecessary cruelty. Their conduct had been spoken of in language which had been most improperly used. At the trial, at which not a defendant complained of the facts brought forward by the Crown, not a single defendant out of ten or twelve who spoke for themselves, or by their counsel—he was speaking from his general recollection, having recently cast his eye over the report of the trial—not one of the defendants on his trial denied that the witnesses for the prosecution gave a correct account of the transaction. The leading counsel for several of the prisoners was his hon. and learned Friend, the Member for Sutherlandshire; and he did not state to the court and the jury that the evidence given was such as they could not rely on; but he stated, not only that the evidence he had heard was correct, but the language was appropriate. His hon. and learned Friend stated distinctly to the court and the jury, that after the evidence which his hon. and learned Friend went minutely through, he could not say that the language used by his client was appropriate and defensible. It would be recollected that the executive council of the Chartists had issued a large placard, on which they said,

> "Englishmen, the blood of your brothers reddens the streets of Preston, Blackburn, and Halifax, and the murderers thirst for more!—be firm, be courageous, be men."

In speaking of the transaction at Preston, in the address of the Chartists to the Chartist public, they said that they were peacefully and lawfully assembled, and that they had been fired upon while peacefully "agitating for the charter." That was their expression: now let him state the facts on the deposition of the commanding officer. That gentleman had under him about seventy policemen, and about the same number of troops, and these forces were hemmed in, in front and rear, by the crowd in the streets, while two parallel streets, with houses, were on each side. The mob consisted of many thousand persons, and they assailed the soldiers and the police both in the front and rear, by throwing stones over the houses. The commanding officer, on his oath, stated that it was necessary, for the safety and protection of the police force and of his own men, to fire; that the multitude continued to press upon them, and hem them in more and more, and would not give way, large heaps of stones were collected for continuing the assaults, and under such circumstances, the officer, for the safety of his men, considered that the order to fire was necessary. After that evidence had been given, not one of the Chartists repeated such language, as that contained in the placard; and, as he had stated, their leading counsel gave up the passage as one that could not be defended, for the conduct of the military was not open to the attack that had been made upon it. Another passage in the address of the delegates to the Chartist body was to this effect :—

> " Let union and peace be the Chartist watchword. We counsel you against waging warfare against any recognized authority, while we believe that the moral strength of an united people is sufficiently powerful, when well directed, to overcome all the physical force that tyranny and despotism can command."

And then continued the passage—

> " Their blood has been shed, while peacefully agitating for their rights.''

Let the House see what was meant by this peaceful agitation. That peaceful agitation consisted of an assembly of ten thousand people, hemming in the military and police, and having great facility for attacking them by the two parallel streets. It was clear that the officer refrained as long as he could, and abstained to the utmost from adopting the course, he had at length adopted. He had called the attention of the House to this particular case which had been established in a court of law, and the House might infer that the statement of the hon. Member in the other transaction he had referred to was not better founded. He begged that the House would compare the statement made by the hon. Member for Finsbury with that which he (the Attorney-general) had the means of making, and then in the exercise of a candid judgment, form its own opinion of the other transactions referred to by the hon. Member for Finsbury. With reference to the motion, he had adverted to the singular infelicity—if indeed it was only bad luck—which had caused the hon. Member for Finsbury to select the present most unfortunate moment for bringing this subject forward. He (the Attorney-General) was now called upon within a very short time of the period when these parties were to be called up for judgment before the Court of Queen's Bench—he was called upon in the House of Commons to comment upon their crime, and to state the leading facts of the case. He did this with the greatest reluctance. He was averse from alluding to them in any way that might seem to aggravate their offence, but his public duty compelled him. He should have been extremely glad to have escaped from the task, but the performance of his duty to the Government and the magistrates, his respect for the peace and the institutions of the country, obliged him to make remarks that he would have willingly postponed till after the sentence. But that was not all. There was, another trial now going on at Stafford, implicating other individuals connected with the outbreak in Staffordshire last year. That trial had now reached the sixth day, and by the last account the speeches for the defence were only about to begin. It was impossible to speak of the delegates and to speak of these transactions, impossible to discuss the question which the hon. Member had brought before the House, without adverting to what took place at Manchester on the 17th of August last year. The hon. Member had called attention to the cases of Leech, Turner, Scholefield, Harney, Seddons, and others. Some of them had not petitioned, and some petitions came from other persons who had no connection with the trials. He would refer to the circumstance of Turner, who had been brought forward as the printer of the placard. The hon. Gentleman stated, that Turner had committed no offence; but he would lay the facts of the case before the House, as they were deposed to in evidence, and let the House decide whether he had committed an offence or not. Application was made at the assizes of Liverpool to him the (Attorney-General), as conducting the prosecutions, to know whether he considered it necessary to proceed against Turner with any view to his punishment. Turner admitted, at the same time, that he was the printer of the placard, but he represented, that it came to him in the way of business, that it came in a hurry, that he did not know its contents, that he never read it, that he exceedingly regretted ever having printed it, and in that merciful consideration which the public prosecutor, not alone, he would say, in this case, but which the public prosecutor generally took, and moved by some representations that were made to him as to the man's circumstances, while, as no knowledge of the contents could be brought home to him beyond the putting them in type, nor any connection with the meeting or with any violence could be brought home to him, it occurred to him, that it would be in accordance with the general principles upon which the prosecutions were conducted from first to last, that if he would plead guilty, and enter into his recognisance to come up to receive judgment when called upon, so long as he conducted himself with propriety no proceeding should be taken against him, and accordingly Turner did plead guilty, and entered into the required recognisances, and through his counsel expressed himself much obliged to the judge, the counsel for the Crown, and every one connected with the prosecution, for having remitted the proceedings against him. That was the termination of Turner's case. Now, if he understood the hon. Member for Finsbury correctly, the hon. Member said that Turner was guilty of no offence. Here was the case of a man who was described to the House as a guiltless person, who had publicly pleaded guilty, and who had submitted to the law; and who had acknowledged his offence, and yet the hon. Member said he had committed no offence at all. Was it to be said, that Turner now declared that he had pleaded guilty to having published the placard, but in doing that he had been guilty of no offence? Was that the mode in which, when the mercy of the Crown was exercised, it was afterwards to be taunted; and could any one in that House, or out of that House, conceive that such was the proper feeling to be manifested, by one who had been brought before the tribunals of their country, and who thus proved how little worthy he was of the leniency with which he had been treated? But, so far as he was concerned, such conduct should have no influence upon him. It would not, in the least degree, induce him to call Turner up for judgment. As he had stated once before in that House, the principle he acted upon was this, not only at Chester, and at Liverpool, but at all other places, that they wished to find a pretext for dealing mercifully with the people. The Crown said, "Let there be shown to us any case for mercy—of youth, of inexperience, of previous good character or conduct—let the accused bring any excuse which might show they [were not willing parties to the outrages that had been committed, and the Crown will be ready and willing to listen to it, and to extend, as far as it is right to do, mercy to all such parties." But then he observed, that Turner properly enough, was not a petitioner to that House. He then, had a right to say that the use of Turner's name was wholly unauthorised by that individual, and a misrepresentation was made of his conduct on this occasion, in thus bringing him before the House of Commons. He said that, because he could hardly believe that, the man who had made use of the language which Turner had used elsewhere, and through his counsel, would now come forward, and venture to declare that he had been guilty of no offence. [Mr. *Duncombe* had read Turner's statement.] He had not seen that statement, and this he complained of as an inconvenience in the present mode of proceeding. The hon. Gentleman presented petitions — these petitions he had read, and he came there prepared to answer them; and then when he came to answer them, the hon. Member pulled out of his pocket a variety of papers, the accuracy of which was not confirmed on oath, and for the truth of which it was impossible that the hon. Member himself could be responsible. It was, he said, a new proceeding in that House for any hon. Member thus to be collecting letters from individuals scattered over five or six counties, and who it was evident were not well disposed to the peace of the community, and certainly not well disposed to the established law, it was not, he said, usual, under such circumstances, and with such statements, to ask that House to grant an inquiry into the conduct of any magistrates. He now passed to the case of Leech. Leech was the chairman of the executive council of the Chartist delegates, and Leech was connected immediately and directly with the preparation and printing of this address, which originated with one of the defendants, and concerning whom he could not be silent—that was a man of the name of M'Douall, if he mistook not an orator at Depford on some occasion. This man had been convicted at Lancaster, of the highest offence charged in the indictment. It was M'Douall who had prepared the placard; it was proved to be in his handwriting; and it appeared from the evidence to have been concocted before the 17th, probably it was on the 15th; he thought that it was in the hands of the printer on the morning of the 16th of August. And here he felt very great regret in being compelled to mention the name of another person; but, as far as he could, he would avoid saying anything which might do that person an injury. Mr. Feargus O'Connor, M'Douall, and several other Chartists, met at Mr. Scholefield's chapel, on the night of the 16th of August. It appeared that the address of the executive Chartists had been previously prepared and finished. It had been settled; but a suggestion was then made by Mr. Feargus O'Connor to alter it. He was, however, then too late to make the alteration, and therefore it was allowed to be printed in the shape in which it had been originally agreed upon. But Leech was the person at whose house M'Douall had corrected the press. He did not know positively, but he believed that, he had seen the very copy of the placard, which had been posted in front of Leech's house, and there was another copy of it found within his shop. The other person named by the hon. Member was Mr. Scholefield; he was the gentleman in whose chapel the meeting had taken place, and the question was, whether Mr. Scholefield was aware of the object of the meeting for which he had lent his chapel on the 16th, the day on which it was proved by the son of Mr. Scholefield that the persons met at that chapel. It had been publicly announced, but then, there was no meeting for that purpose, which had been the avowed object of the parties coming to Manchester, which was something with respect to a commemoration or a monument relative to Mr. Hunt. On the 17th of August the placard came out. At the meeting on that day there were also Harney, Allison, Brooke, Arthur, and several others, to the amount of forty. They assembled, and made speeches, the character of which might be known when he said they resembled the speech of the man named Cooper, who was now under trial at Stafford. The resolutions adopted at the meeting of delegates on that day he had then before him. Those resolutions, together with the executive address, had been published, and the object of the prosecutions at Lancaster was to show the people that persons who in secret conclave prepared addresses, having for their object to influence labourers to desert their work were legally mixed up with the mischief produced, and could not retire and shelter themselves from the consequences by pleading that they had not been guilty of open acts of violence. And let him here point out the state of Lancashire, Cheshire, and Staffordshire, at the time the proclamations were issued. If there was not open rebellion, which God forbid, certainly if ever there was a moment of singular peril and danger, it was at the moment that this outbreak originated. Why, it was in evidence that a man named Billing, who went from place to place to make Chartist speeches, boasted that he had addressed upwards of 300,000 persons. No less, too, than 170 mills had been stopped. "Oh!" but then it was said, "the motto was 'peace, law, and order,' and the mills were stopped in many cases by the master's consent." Why, "peace, law, and order," in some cases the violence of the mob went the length of the shedding of blood. But the fact was that this "peace, law, and order" matter had led the people into a great mistake. They thought that by the absence of physical force there would be no breaking of the law. They supposed that any demonstration of physical power was moral force; that persons marching with weapons, calculated to intimidate others, was moral force; that provided they did not break a man's head, that they did him no personal harm; that there was an absence of personal violence, there was merely moral force. He could show this to be their opinion from the language of one of the defendants. In one case it was proved that a mob assembled, they called to a bricklayer, who was employed, to cease work—that they would not permit him to work. The man replied, he was determined to go on with his labour, and they then said they would bring more with them, and see if he would do it. They did, then, come again; they brought more men with them; and, when the man saw a large mob collected, he felt obliged to obey their bidding, and he ceased working. The defendant in that case thus cross-examined the witness:

> "You say that I told the man not to work? Yes, you did so. Did I do any injury to any man, or was any property destroyed? So far no man was injured nor property destroyed."

Thus, then, they conceived that men could assemble in great numbers, and dictate to others, that they should not work until the Charter became the law of the land, without committing any offence. Now, It was his opinion, and he expressed it in that House without disguise—it was not only his right, but it was his duty to express that opinion; and he affirmed that every man who moved about from place to place, joining mobs, for the purpose of stopping labour, and by intimidation to bring about a change in the laws of the country, was guilty of high treason. He defied any Member on either side of the House to contradict it. The question as to how we should proceed was, indeed, in the first instance a question of doubt. At the time Leach was carried before the magistrates, they supposed the charge against him to be one of high treason, and actually in Staffordshire there was an indictment found against one party for that offence, though the Government afterwards thought it best not to proceed upon that charge. The judges at Liverpool, too, distinctly stated, that in law the crime with which the prisoners were charged was high treason, and some of them commended the lenity of the Government for adopting the milder course which they had taken. The parties then met in Manchester, having for their object originally a procession, or something in connection with Mr. Hunt's monument, and having also met, as it was stated, and as he believed to be the truth, for the purpose of making some alteration in the constitution of their society, and the correction of some illegality belonging to it; but then, in Manchester, they abandoned the intention of having any meeting at all, they publicly gave notice of their abandonment of that intention; and they met in Mr. Scholefield's chapel, on the night of the 16th, and the morning of the 17th, for the purpose of concocting an address to the public. He might now be allowed to state the nature of the address. There were five members of the executive council: — Leech, the chairman; Archer, the secretary; M'Douall was another, so was Campbell, and there was another name that did not occur to him. This address then was put forth on the 17th of August, at a time when thousands upon thousands of people were meeting together; when 100,000 persons were going about different parts of Lancashire, Cheshire, and Staffordshire, compelling those who were desirous to work to abstain from labour, in order that the Charter might become the law of the land. The address commenced with this reference to the strike:—

> "Brother Chartists — The great political truths which have been agitated during the last half century have at length aroused the degraded and insulted white slaves of England to a sense of their duty to themselves, their children, and their country. Tens of thousands have flung down their implements of labour. Your taskmasters tremble at your energy, and expecting masses eagerly watching this the great crisis of our cause."

He did not feel that he could be justified in taking up the time of the House in reading the whole of this document. He should, therefore, call their attention only to parts of it. It proceeded:—

> "Nature, God, and reason, have condemned this inequality."

The inequality which existed between those who laboured and those who paid for labour. He could assure the House he did not mean to keep back anything that might be material in favour of these parties. The proclamation went on:—

> "Nature, God, and reason, have condemned this inequality, and in the thunders of a people's voice it must perish for ever. He knows that labour, the real property of society, the sole origin of accumulated property, the first cause of all national wealth, and the only supporter, defender, and contributor to the greatness of our country, is not possessed of the same legal protection which is given to those lifeless effects, the houses, ships, and machinery which labour have alone created. He knows that if labour has no protection, wages cannot be upheld, nor in the slightest degree regulated until every workman of twenty-one years of age and of sane mind is on the same political level as the employer. He knows that the Charter would remove, by universal will expressed in universal suffrage, the heavy load of taxes which now crush the existence of the labourer, and cripple the efforts of commerce; that it would give cheap government as well as cheap food, high wages, as well as low taxes, bring happiness to the hearthstone, plenty to the table, protection to the old, education to the young, permanent prosperity to the country, long-continued protective political power to labour, and peace, blessed peace, to exhausted humanity and approving nations; therefore it is that we have solemnly sworn, and one and all declared, that the golden opportunity now within our grasp shall not pass away fruitless, that the chance of centuries afforded to us by a wise and all-seeing God, shall not be lost; but that we do now universally resolve never to resume labour until labour's grievances are destroyed, and protection secured for ourselves, our suffering wives, and helpless children, by the enactment of the People's Charter."

This was put forth at a time when it was proved by evidence that there were thousands in not less than fifty, aye, a hundred, parts of the country, seeking, by threats, by intimidation and violence, to stop the operations of labour. Evidence could be laid before them, from which they might judge, what was the object of those parties, when this very paper was published by the Chartists themselves. The next passage referred to the blood shed at Preston, which he had already quoted. It said further:—

> "Countrymen and Brothers, centuries may roll on as they have fleeted past, before such universal action may again be displayed; we have made the cast for liberty, and we must stand like men the hazard of the die."

All this, it was to be observed, was addressed to men assembled in thousands. It proceeded:—

> "Let none despond. Let all be cool and watchful, and, like the bridemaids in the parable, keep your lamps burning, and let your continued resolution be like a beacon to guide those who are now hastening far and wide to follow your memorable example. Brethren, we rely upon your firmness; cowardice, treachery, or womanly fear would cast our cause back for half a century. Let no man, woman, or child break down the solemn pledge, and if they do, may the curse of the poor and the starving pursue them—they deserve slavery who would madly court it. Our machinery is all arranged."

What, he asked, was the meaning of that? It continued,—

> "Our machinery is all arranged, and your cause will in three days be impelled onward by all the intellect we can summon to its aid; therefore, whilst you are peaceful, be firm; whilst you are orderly make all be so likewise; and whilst you look to the law, remember that you had no voice in making it, and are, therefore, the slaves to the will, the law, and the price of your masters."

And in a passage which he had passed over, he found this expression:

> "Peace, law, and order, have prevailed on our side;"

That is, they had stopped the entire labour of men—they had stopped it, not by appealing to men's will or inclination, but to their fears, and threatened violence when persons declined to comply with the demands made on them. The proclamation said:

> "Be firm, be courageous, be men. Peace, law, and order have prevailed on our side—let them be revered unto your brethren in Scotland; Wales and Ireland are informed of your resolution; and when a universal holiday prevails, which will be the case in eight days, then of what use will bayonets be against public opinion?"

Now, he would ask the House, he would ask either side of the House, for this was not a question of party, but it was a question of the public safety. It was a question whether the institutions of the country were to be permanent, or to be prostrated by mischievous machinations of this description. One sentence more, and he had done, and let the House mark the conclusion of the address. It was this:—

> "All officers of the association are called upon to aid and assist in the peaceful extension of the movement, and to forward all moneys for the use of the delegates who may be dispersed over the country. Strengthen our hands at this crisis. Support your leaders. Rally round our sacred cause, and leave the decision to the God of Justice and of Battle."

He would ask any Member of that House—he would ask the hon. Member himself, if, in the disturbed state in which Lancashire, Cheshire, and Staffordshire were at that moment, he would put his hand to a document like that! What was the construction which any fair, any candid man would put upon it? But the House was hardly yet in the possession of all the facts, which would enable it to come to a just judgment with respect to these cases. He particularly requested their attention to a resolution, which the delegates had come to on the 18th. It was to this effect:—

> "Resolved, That we, the delegates, in public meeting assembled, do recommend to the various constituencies which we represent, to adopt all legal means to carry into effect the people's Charter. And further, we recommend that delegates be sent through the whole of the country, to endeavour to obtain the co-operation of the middle and working classes, in carrying out the resolution of ceasing labour until the Charter be made the law of the land."

What, too, he asked, was the meaning of that? He had no doubt, as to what was the real history of the address and resolution of the Chartist delegates. So far, indeed, from having a doubt on the subject it had been made a matter of evidence. They came not to Manchester for the purpose of turning the strike to the account of the Charter. They came to Manchester for an entirely different purpose. But when they came there, seeing what was the state of the public feeling, they thought that there was afforded to them a "glorious golden opportunity." They conceived it right, for their purposes, to take advantage; and accordingly as they had put it forward in their placard, if all Wales, Scotland, and Ireland, had followed the example which was set by Lancashire, the effect would be a general confusion in the country. There was, too, in aid of such an object, a placard issued of this description:—

> "Run for gold—labour is suspended—public credit is gone—paper is worthless—every sovereign is now worth thirty-shillings—run, middle classes—run for gold."

He believed that their impression was, that if this state of things could be got to spread from county to county, they would succeed in carrying the Charter by dint of the confusion they would create. At the trial of these men, those who had the management of it had been careful to avoid giving any opinion as to the policy of advocating any political doctrines, however extreme they might be. They did not say that it was a crime to publicly speak in favour of universal suffrage, or to consider that the other points of the charter were better adapted for the administration of the affairs of this country than the form of Government at present established and in operation. Such representations were not made by those who attended in behalf of the Crown. He did not mix himself up with the question of the Charter or with the question of the Anti-Corn Law League. He had endeavoured to conduct the prosecution abstracted from all political considerations. If the hon. Member for Finsbury would collect evidence against any body of men who were conspiring against the public peace, he should consider it his duty to give the matter his most urgent attention. It was his duty, on the part of the Crown, to ascertain whether the statement was fairly proved. He would call the attention of the House to what had appeared in a paper called the *Northern Star*, on Saturday, the 20th of August. On that occasion, the 20th of August, forty delegates had assembled, and nearly every one addressed the meeting, and for the conduct of the meeting the chairman of the delegates issued regulations. Among these there was one to the effect that no one should make a speech of more than five minutes' duration. He would remind the hon. Member for Finsbury of another regulation, which it would be well for him to bear in mind. It was agreed that no delegates should occupy more than two minutes in reply. At the meeting to which he had referred a shorthand writer attended and took notes of the proceedings. In the pocket of Brook was also found a note of the debate, which in every respect confirmed the statement of the person whom the hon. Member for Finsbury would call a renegade reporter. That reporter was not sent to the meeting by those engaged in the prosecution on the part of the Crown, but, having attended and taken notes, he volunteered his evidence. He (the Attorney-general) could not conceive why such evidence when offered should not be received, notwithstanding the party might have broken faith with those with whom he had been politically connected. He should like to know if at a meeting like that, when treasonable doctrines were broached, when opinions were stated, and a course of policy suggested which, if carried into effect, would inevitably prove dangerous to the safety of society,—if at such a meeting a person attended and heard such treasonable views promulgated, and did not disclose the fact, how were they to arrive at any knowledge of the circumstance? This short-hand writer was confirmed by Brooks as to the speech of Cooper, and he was sorry to be obliged to refer to that man as he was now on his trial; but it was essential that the House should know, by means of that speech, what the parties meant by this address, for that speech left it no longer a matter of doubt, nor even of surmise, much less of suspicion. Cooper appealed to God that the time was come when the people ought to be represented —that now the people should be prepared to fight, and he was prepared to fight, be the danger what it might, and the consequences to himself what they might. Men who had since been tried were present when that scene occurred, and when Cooper made that statement, and no one turned him out of the meeting—no one denounced him. He believed that he had been cheered—that his spirit had been praised, as well as the manliness of his declaration, and on the following day the placard, which he had read was posted all over Manchester, and not less than seventeen different mobs were endeavouring to carry the Charter and make it the law of the land. He had next to refer to an address, which appeared in the paper belonging to the body—the *Northern Star* of the 20th of August. This address observed that that strike, which was intended to effect a repeal of the Corn-law, had been made to sustain the

Charter, and it concluded by counselling those engaged in the strike in abstaining from all destruction of life and property. He admitted that there had been a remarkable abstinence from the wanton injury of property and the wanton attack upon life. It was not the first time that he had done homage to the spirit that prevailed at that time—it was not characterised by extreme violence; but then it was his duty, also, to show what were the intentions of the parties. They said,

> "We will have the Charter; we mean to go from town to town, and from mill to mill, to turn out the workmen; and if they do not come out, then we will make them."

It might, indeed, be said, as it was said by the defendants and their counsel on their behalf, that all they meant to do, whilst they preserved property and abstained from an attack on life, that peaceably they might have a general suspension of labour, and that such would have the desired effect. And yet those who said this had published paragraphs, which showed that he had put a just construction on their conduct. Under the head of Chorley, it was mentioned that 8,000 men had entered the town, and succeeded in stopping all the work in two hours, that a great number had gone to Preston, and stopped all the mills—that in Bingley several thousands had stopped all the mills without any difficulty, there being no protective force; that every thing was quite at a stand-still, and nothing was to be seen but the families of the unemployed workmen going through the streets. Similar statements were made concerning Stafford, Manchester, Dewsbury, Halifax, Leeds, Huddersfield, and other places; in these, where there was no protective force to guard the mill owners, everything was obliged to yield to the demands of the mob. Under these circumstances, was it possible for the House to doubt, but that the persons engaged in these violent proceedings were doing that which was nothing short of high treason. If the conduct of these men did not amount to high treason, he was unaware of the proper meaning of the term. They were engaged in a great combination, a combination carried on by means of intimidation, and force, and violence. They went from place to place intending, by means of intimidation, force, and violence, to produce great changes in the laws and constitution of the country. Such conduct did amount to treason. But what was the course taken by the Government? It was, in the first instance, to institute inquiries, and where individuals were found actively engaged in these combinations to arrest them. In the first place, Leech was arrested, and afterwards Turner, the printer of the placard which he had referred to, and the person at whose house the address of the executive council had been corrected. Could they have been passed by? If the prosecution had been for high treason, Leech must have been arrested. And he must refer much of the apparent severity of the magistrates to an impression very generally abroad that the offence which had been committed was high treason, and that it was likely that Government would deal with it as such. But Government determined otherwise. They thought that it would be better to adopt the most mild and moderate course, to satisfy those persons who were minded to obey the law that they should be protected by the law, and, as far as possible, to assure those who had broken the law that they were liable to punishment, and that some of them, at all events, should not escape. With respect to the conduct pursued towards Leech, he had been astonished to hear the statements of the hon. Gentleman opposite. The hon. Gentleman had said that, whether that man's conduct was illegal or not, there was no evidence to prove it; and finally, that the charge had been abandoned against him; and Leech himself stated,

> "That your petitioner appeared at Liverpool, when the first charge upon which your petitioner was arrested, and after suffering thirteen days' confinement under the circumstances above mentioned, the indictment against your petitioner was abandoned, and, as he believes, from a knowledge the prosecutor had that his witnesses were most grossly and foully perjured, and that your petitioner had ample means to prove them so."

He did not know whether the witnesses had been perjured or not, but he knew this, that at Liverpool the indictment was found upon which Leech appeared at Manchester, and so far from the charge having been abandoned, he was convicted on the clearest evidence. It was admitted by himself that the placard had been proved to have been stuck up on his house. It was also proved that it was at his House that M'Douall had corrected the proof when the placard was printed; and it was also proved by one of the books, respecting the taking away of which a special complaint was made, that Leech was one of the members of the executive council. He was sorry to detain the House so long with these details, but the hon. Member for Finsbury had made special complaints with reference to the treatment experienced by the petitioners. First, there was White, who had been convicted before Mr. Baron Gurney. He was the first person named in the motion. Then there was Brook who was convicted at Lancaster, and who was proved to have had in his possession the minutes of the meeting of Chartist delegates. Next came Leech, a member of the executive committee and chairman of that body—then Harney, one of the delegates, who had been also convicted. There were also Brown and Robinson, and Allinson, who had been identified as the chairman of a Chartist meeting—these were all the persons he had to do with. He might mention here that the paper of resolutions of delegates which he had read was signed by Harney at the bottom. But to continue—these persons were all who had been convicted, and sentence had not yet been passed. They were to appear on the first day of the term to receive the judgment of the Court of Queen's Bench for the offences of which they had been found guilty. And this was the time which the hon. Member for Finsbury selected for making a charge against the magistrates who had committed these men. It would be safer for the public peace, and much better for the offenders themselves—it would be much more constitutional, and in accordance with the discreet exercise of the undoubted powers of this House, if the motion for inquiry had been postponed until it had appeared in what way the judge and jury deliberating upon it had decided Cooper's case, and also until the Court of Queen's Bench had disposed of the persons awaiting its sentence. Under these circumstances, he must say that, having the means of showing that the offence was actually committed—an offence which did appear to him to be one of the most high and the most grave of any known to the law—he must say that he was not surprised at the severity of the interference complained of as having been exercised by the magistrates. So far as he knew, these gentlemen had done no more than was their strict and absolute duty under the peculiar and painful circumstances in which they were placed. He thought it but right to mention one thing more; so far from the parties complaining of having experienced extraordinary severity on the part of Government, he was not sure that complaint ought not be made of him for the part which he had taken in the trials, and on the part of those whom he represented there, as having scarcely exhibited that degree of severity which in such cases it was proper to enforce. He assured the House that he made this statement with reluctance; but the facts were these:—It appeared to him of the greatest importance that, having found forty-eight delegates exciting and urging the working men to continue their unlawful proceedings, to persevere in a course of violence and intimidation—it did, he repeated, appear to him that it was proper that they and the public should know that those who advised crime, when that crime was executed, should be put on a similar footing with its perpetrators; and it therefore seemed to him to be necessary to indict those parties—the advisers and the perpetrators together—to show that after the commitment of the crime the former were amenable for its consequences, and liable to the same indictment under which the actual perpetrators were charged. But in adopting that course he was necessarily compelled to abandon—and he did it with reluctance—the charges made separately against the leaders of these misguided men—charges which, if proved, would have subjected them to far more severe punishment than did those upon which they were actually tried. The offence which they had actually been convicted of was conspiracy, an offence punishable by fine or imprisonment, but by nothing more. No such modes of extra punishment as the treadmill could be resorted to in such cases; but whilst he was prosecuting individuals, many of whom occupied stations of considerable respectability—for he admitted the respectability of Scholefield, who had a chapel; Leech, who was a bookseller, Turner, the printer, and some others, he thought it right, while prosecuting these men, to put their names into the same indictment as that under which was ranked the names of the working men, to give them all a common trial and a common fate, and thus, so far from being exposed to a greater degree of harshness by this mode of proceeding, the effect of it was that the indictment was carried by writ of *certiorari* to the Court of Queen's Bench, and that the prisoners were thus liberated from prison, in order to enable them to appear, and that all recognizances were immediately at an end. At this moment the parties in question were under no recognizances to appear before the Court of Queen's Bench. Could such a course be spoken of as a harsh one. Or, what right had the parties to complain, when detected in the commission of an offence of the gravest aspect—of one which threatened the maintenance of the public peace, they had yet, instead of being indicted for high treason, been only tried for the minor offence of creating unlawful combinations and assemblies? yet, forsooth, these men, when it was thought necessary to bring them to trial, were to turn round and say, as Turner did, "You have already let me off; you have declared that the publication of the placard was no offence at all;" or as another man had said, "Why, you only try me for conspiracy at last." Yes, it was true they were only tried for conspiracy; but the crime of which they were guilty was that of high treason. He thought that there was no foundation for the motion, so far as he was able to appreciate the grounds on which it was made; and he must say; in the language of the noble Lord, the Member for the City of London, that without in the slightest degree questioning the power of the House, to institute an inquiry like the one sought for, and to make the most searching inquisition into the misconduct and bad motives—if there existed misconduct and bad motives—on the part of any government—yet that for the House to accede to the motion before them would be to encourage all those who were banded together to violate the law, and afford the greatest discouragement to all those who were disposed to admit its sway, and join in paying to it a quiet and peaceable obedience.

Lord *F. Egerton* rose to call the attention of the House to some of the allegations made by the hon. Gentleman opposite with respect to a certain locality. He referred to the town of Preston. Now, as it happened that he had been there in the performance of a public duty, he felt compelled to trouble the House with one or two remarks upon what they had heard with respect to that town from the hon. Gentleman opposite. He had been surprised to hear that hon. Gentleman state that it was the general opinion of the respectable portion of the community at Preston that an unjustifiable, needless, and wanton outrage had been committed by the military upon the people. Now, no man was more averse to violent measures than himself—no one more averse to outrage or bloodshed; and it was because he thought that no greater reproach, no graver imputation could be laid upon the character of an individual, in the discharge of a public duty, than that he had from rashness, or imprudence, been led wantonly and unnecessarily to have recourse even in the suppression of riot and outrage to that most terrible means—an appeal to arms—it was from that feeling that he could not allow the assertions which had been made to pass uncommented upon, and without assuring the House that the necessity for the measures taken had actually existed, and that the magistrates of Preston had been, by the assertions made with respect to them, exposed to as much injustice as could well fall upon public servants in the performance of a public duty. What were the circumstances of the case? He could corroborate every word stated by the hon. and learned Gentleman the Attorney-General, with respect to them, but that hon. and learned Gentleman had omitted to state one thing; he had omitted to say, that near the street where the parties encountered each other, there was a canal from which had lately been landed a boat load of stones, not of common stones, but of paving stones, which furnished missiles for the use of the rioters. He had also omitted to state that for years, almost from time immemorial, the large town of Preston had been more free from disturbance or riot than any other town of its size in England. And he must say, that, much as on any occasion, he should regret an unnecessary display of military force, he should, with reference to these past transactions, regret it still more deeply; for if he had been in the House when the noble Lord, the Member for London had spoken in eulogy of the people of that part of the kingdom, he would have confirmed his observation with reference to the general absence of a sanguinary disposition, or a spirit of wanton violence. But, with reference to the case of Preston, he would call attention to the fact, that the mayor and magistrates, in calling out the small forces at their disposal, did not do so with the immediate intention of averting outrage from themselves, but for the necessary purpose of protecting those who were peaceably going to their work, who were anxious to go there, but who were threatened by that spirit of violence and disturbance which, he was sorry to say, had subsequently extended to other parts of the country. The mayor had no force in Preston, and he was obliged to send for military to Wigan, and it was an unfortunate circumstance that the force he was enabled to raise was so small—he said it was unfortunate, because it was really a misfortune that a force should be displayed of too little strength to intimidate the guilty, and the presence of which would, therefore, merely serve to provoke further aggression. Now, what was the situation of the small body of military present? They were hemmed in before and behind with parties armed with paving stones. The chief constable had been knocked down, one soldier had his arm broken—he was not sure whether the mayor had not also been hit; but it was the decided conviction of every cool and impartial person present, that if the mob had closed in front and rear—he did not say that the destruction of the soldiers and constables would have ensued, for he entertained a better opinion of Englishmen than for a moment to listen to such a supposition; but he did say, that a catastrophe would have ensued, which no one could contemplate with any degree of tranquillity; that the authorities would have been laid prostrate and trampled upon by the mob. True, there were women and boys, and girls in the front of the people, and it was part of the policy of a mob to put persons of that description forward; but when the hon. Gentleman opposite inquired why, instead of firing, the soldiers did not make a charge with bayonets upon the people, he could not say that he considered the plan thus suggested as the more humane of the two. It was, in fact, a purely military question; but he would put it to all military gentlemen, whether there was an expedient more likely to produce loss of life, in a painful manner, than attempting to disperse a mob of great physical force by means of the bayonet. Nothing could be more dangerous, even to a disciplined force; and should the charge succeed, it would only be by means producing far more bloodshed than if the course taken had been that of firing. He must say, too, that the firing was conducted with great coolness, after deliberate reflection. It was not adopted until a full time of necessity had arrived, and it was a fact, that those shots which did unhappily tell—a circumstance, the necessity of which he deeply lamented, took effect upon those who were most active in promoting the riot. It was his belief that those who had instructed the hon. Gentleman opposite in the details which he had given, had grossly misinformed him as to the state of public opinion with reference to the magistrates who had been concerned; and that they had omitted to disabuse his mind of many incorrect statements. Men of greater respectability than the magistrates of Preston did not exist. They were men of great humanity, and were unwearied in their attentions to the wants of those more immediately under their jurisdiction; and he felt that, if he had omitted to notice the observations of the hon. Gentleman with respect to them, that he should have omitted to perform a duty which chance, more than connection with them, had imposed on him?

Mr. *Pakington* wished to call the attention of the House to the statement of the hon. Gentleman opposite with reference to the magistrates of Dudley. The hon. Gentleman, in talking of Mr. Badger and Mr. Cartwright, had stated that they had been guilty of conspiring with the Lord-lieutenant against the liberties of the people, and that they were therefore unfit to hold the commission of the peace. Now, he would say, that he knew no gentlemen more fit in every respect to hold the commission of the peace, or more fitted in every respect to do their duty with propriety and advantage than the gentlemen alluded to. What had been the nature of the charge against them? In point of strict law, they were certainly guilty in refusing bail upon the ground on which they declined accepting it. But the persons aggrieved had appealed to law—they had applied to the Court of Queen's Bench for a criminal information against the magistrates, and what was the result? The hon. Member for Finsbury had already moved for and obtained the papers connected with the case. He had a copy of the judgment pronounced, and he would read a passage bearing upon the subject before the House:—

"The complaint is not that workmen assembled to devise means for bettering their condition, but that others took advantage of their quarrels with their masters, and finding vast numbers unemployed, ignorant, and disaffected, sought to incite them to every kind of outrage. Not that the discussion of public grievances had been intemperately conducted, but that tumultuous assemblies, rendering all discussion impossible, led to speeches and conduct which must have been expected to lead to violence, outrages, outbreaks, conflicts with the lawful authorities, almost certainly to bloodshed, and very probably to universal pillage. Whether or not these meetings having been held in the immediate neighbourhood of Dudley is of small importance; they had been held in other quarters, producing their natural results, and were rapidly extending. It is sworn that near Dudley, in a population of half a million, persons were expecting to follow this example, and in this state of things the meeting in question was announced. It was observed on the argument, that few deeds of violence were actually committed in that district, and those by no means of a formidable character: if that be so, we have no doubt, when we regard the materials, and the instruments of mischief that were preparing, that that circumstance is to be ascribed to the vigilance, the spirit, and real humanity with which the magistrates enforced the law, as her Majesty's proclamation enjoined them. We think they are entitled to the gratitude of their Sovereign and the country for their conduct, and we are of opinion that they would have deserted their duty if they had not committed O'Neill for trial for the part he was proved to have taken at the meeting, which they most properly dispersed on the 26th August."

Yet in spite of all this the hon. Gentleman opposite said that the magistrates should be dismissed from the commission. He was aware that an error had been committed by them, but the opinion which had led them to commit it, they honestly entertained, and if they did entertain a doubt on the stringency of the law on the subject, there were good grounds for making them believe that under existing circumstances —in the peculiar position of the country at the time—they were consulting the public safety by not taking bail from persons connected with those who were agitating and disturbing the country. The application to the Court of Queen's Bench was dismissed, on the ground that although the magistrates had committed a legal error, yet that at the time they had no idea of perpetrating any injustice. As soon as it became known in the district to which these gentlemen belonged, that the hon. Member for Finsbury intended to come before the House of Commons with a complaint relative to their conduct, a public meeting was called, and he held in his hand a copy of the address voted at that meeting to Messrs. Cartwright and Badger. The address acknowledged the deep and lasting sense of obligation felt by the meeting to the magistrates, to the military and yeomanry, and stated that the preservation of the life and property of those signing the document was mainly attributable to their exertions. He need only add that this address was signed by 135 of the most respectable bankers and merchants of the town of Dudley, and at the head of the list he observed the name of Lord Ward. He himself had been present at many of the conferences held between the magistrates and the Lord-lieutenant of the county, and had never witnessed more temperance, combined with judicious firmness than he had seen manifested upon those occasions. This was not, he believed, the first occasion on which the hon. Gentleman opposite had been unlucky in the selection of a course to be adopted. It was a very poor return to men who had, in a great crisis, discharged their duties with zeal and with great activity—it was a poor return to such men, for a Member of the House of Commons to stand up and attempt to hold them up to public scorn, and to reproach them for conduct for which they were well entitled to public gratitude.

Mr. *Fielden* said, that the point on which he agreed with the hon. Member for Finsbury was as to the indefensible conduct of the magistrates in refusing bail, or in fixing the amount of bail so high as to render it impossible for a poor man to procure sureties. This was the main subject of the hon. Member's complaint, and its justice had been admitted by the hon. Member who spoke last. The hon. Member for Finsbury made no complaint of the conduct of the Government in the prosecutions, but only of that of the magistrates. The conduct of the Government had been lenient, that of the magistrates unconstitutional and harsh, not to say illegal. The Government had been praised, and had taken praise to itself for its leniency towards the offenders, and why should not the magistracy be blamed for their severity, when it was admitted to have been unjust? What were the circumstances under which the disturbances broke out? The petitions and remonstrances to this House had long been treated with contempt—the House which ought to have protected them would do nothing for them. They considered themselves aggrieved and neglected. The Attorney-general had stated, that the movement had not originated with the Chartists. It was at first a question of wages and of work. Many were out of employment, and those who were in work were labouring at such reduced wages, that starvation was staring them in the face. There was one case brought before the House which was of a peculiarly distressing nature. (We understood the hon. Member to refer to the case of White.) Was this proper treatment of a man, who, as he had no bad intention, ought to have been put down with all possible humanity? And after all, what had been the conduct of these men, that they should be so unequivocally condemned. What is the grand object for which they combined? To obtain a voice in the making of the laws. I have seen a great many movements in my days for the purpose of obtaining some share in the Government of the country, and the men who joined in and led them used language just as exciting as any imputed to these men. And these, be it always recollected, were working men. What does Leech say? This, let me observe, was a man of excellent character. I never heard a word to his disparagement. He is a Chartist, it is true, and as such must be called and treated as a criminal. But what is his defence?

> "We are charged, (said he), with wishing to destroy machinery. Why, should we destroy the work of our own hands? But this much I maintain—that it is our duty to take care that machinery does not destroy us."

In fact, he maintained nothing more than that it was necessary to shorten the hours of factory labour, so as to make it compatible with the life and comforts of the working people—so as to enable their children to receive that education which you now so loudly urge on Parliament as essential to the salvation of the country. How could you expect anything else but some civil convulsion, when you invariably denied all redress of the grievances of the people, and then crowned your humane consideration for their wants by passing the new Poor-law? If you had never passed that law, we should never have heard of an outbreak in the north. Is it not preposterous to deny the working men all legitimate means of obtaining relief, and, when they furiously break out into acts of insubordination, to justify the conduct of magistrates, which, in my opinion, was clearly unjustifiable? I was myself a witness of some of these proceedings. A large multitude of these working men came over to the works of myself and brothers. But before they arrived, Mr. Taylor, Mr. Crossley, and an officer of dragoons, came to me and assured me, that if we wanted protection, it should be afforded. Those gentlemen said, the mob was coming to pull out the plugs, and stop our works. The leader soon came up, as was the case in so many other places. I asked, "what is it you want?" The reply was, "we want twelve hours' wages for ten hours' work." I said, "I am ready to agree to that." I then assured the magistrates and officers that these men only wanted a reasonable change, which I was willing to concede; and that as for the protection of my works, if my people were not able to preserve them, I should never appeal to the magistrates and military. Well, they went through the vale and stopped all the mills; but not a single offence did they commit against life, and not a single injury did they commit against property. When they arrived at Halifax, however, they met the troops, and then ensued that heart-rending scene which has been described. Why, it is notorious in Halifax that the representation which my hon. Friend has given is true. No person doubts the fact of the man being shot in the manner described. And such severity as this is attempted to be defended, instead of your calming the public mind by assuring the people that you will listen to their complaints, and use your utmost efforts to redress them. I think it would be a much better course if the House endeavoured, by the appointment of a committee or by some other means, to ascertain whether the people had not reason to complain, and pledged itself to the most strenuous efforts to remove the evils which afflict the great mass of the community. But if the people are to be left in their present condition, and to be treated in the manner which they have been, I say then you must prepare for another insurrection, as the time is not far distant when the people must be again driven to violence. The labouring people must be supported. They must live by their labour, or you must supply them with the means of subsistence. It is an old saying that "hunger will break through stone walls;" and though you may trample on a hungry people once or twice, at last you will find their power too great for you. I should recommend this House, then, not to delay turning its attention to the real state of the working classes, and doing something to remove the prejudices which prevail in their minds against the governing power. Depend upon it no decision of this House can put down the organization which has been formed for getting some power over it. And what are the instruments which the people think will secure that object? Universal suffrage, annual Parliaments, and vote by ballot. While Chartism consists of these demands, it will go on in spite of all your severity, and I say it ought to go on. The more frequently you reject the just claims of the people the nearer do you bring the time when they must be conceded. I feel great pleasure in supporting my hon. Friends' motion.

Mr. *Clive* opposed the motion of the hon. Member for Finsbury, and bore testimony to the honourable manner in which Captain Connolly conducted himself in his district in Worcestershire. And, with respect to the magistracy, he asked, was it not necessary that they should use the utmost precaution in order to prevent mischief when men like O'Neill were moving about the country exciting the minds of the people? Had they not acted with the greatest vigilance and activity the most serious consequences would have ensued. During the whole time that the yeomanry were out, acting under the directions of the magistrates, which was sixty-one days, he was proud to say that not a single individual, man, woman, or child, was injured.

Mr. *W. Patten* confirmed the statement of the noble Lord (Lord F. Egerton), and expressed his belief that the hon. Member for Finsbury was totally and entirely mistaken with regard to the feeling of every class of the community in Preston. He believed that the general feeling on the part of the inhabitants was, that the magistrates, and more especially the magistrate who superintended the movements, exercised the greatest forbearance; indeed they pushed it to the utmost, before any order was given to fire upon the people. Another part of the hon. Member's accusation related to the magistrates of Blackburn; and he stated what he (Mr. Patten) had never heard until to-night—that the magistrates, whilst in the discharge of their duty, were guilty of irritating the people. It was possible that he might be mistaken upon this point; but he certainly had heard the opinions of persons in authority, and of others who were there taking part in the suppression of the disturbances, with respect to the conduct of the magistrates. The words used by a person who was present, and superintended the whole of the proceedings on that occasion, were, "It is impossible to speak too highly of the forbearance and discretion of the magistrates." But that was only the opinion of one party. He had reason to know also that the opinion of other classes in Blackburn was diametrically opposed to that of the hon. Member. He believed the magistrates acting there received credit even from many of those who held different political opinions from them, for having exercised great discretion and forbearance. The hon. Member had spoken of Mr. Crossley, of the neighbourhood of Todmorden, who was accused in one of the petitions of having refused bail to a prisoner on account of the bail offered being Chartists. Now, at the time this took place, there was an impression among some magistrates, and in common with his hon. Friend (Mr. Pakington) he owned that it was an error on the part of these magistrates, that the crime for which the parties brought before them would be accused would be high treason, and that, therefore, it was necessary they should be very particular in looking at the bail. Though this was undoubtedly an error, there was a remedy against the magistrates for any transgression they committed; and he did not think this accusation against them would justify the appointment of a committee of inquiry. Judicial proceedings had been taken in similar cases, and matters would not be mended by instituting inquiry in this particular case. With respect to the magistrates of Lancashire generally, whilst it was impossible to speak too highly of the conduct of the poorer classes in Lancashire during the disturbances, yet he must say that Lancashire was in such a perilous situation by the proceedings which took place, that every forbearance should be exercised towards these magistrates, though they had transgressed to a greater extent even than the hon. Member had imputed to them. Looking at the very perilous situation in which not only that county but a large part of England was placed at that time, he thought it was a subject for congratulation to observe the happy manner in which the country was extricated; and he was sure that instead of disapprobation praise would be allotted to the magistrates who had been so fortunate as to put an end to the disturbances. He would oppose the motion because he did not think the hon. Member had substantiated the charges which he had brought against the magistrates.

Mr. *G. W. Wood* should feel that he was not doing justice to those magistrates whose characters were assailed by this motion, if he did not make a few observations upon it. Those observations should be confined to the conduct of the magistrates in that part of Lancashire with which he was connected—the southern division of Lancashire. The charges against the magistrates were, that they refused to take bail, demanded excessive bail, delayed to investigate the charges against the prisoners, and that the prisoners experienced great inconvenience and discomfort in their confinement in gaol. The two gentlemen against whom the hon. Member's attack was principally directed, were Mr. Foster, the chairman of the Manchester Sessions, and Mr. Maude, a stipendiary magistrate. He believed the charges against these gentlemen were totally unfounded. It was true that the prisoners were confined longer than was usual in ordinary cases; but this was not an ordinary case, and they were not detained longer than was necessary to inquire into the charges against them. With respect to the refusal to take bail, the plain answer was that the magistrates did not think it their duty to admit to bail till they had completed the examinations, and known what would be the nature of the charges which would be preferred against the prisoners. If this House should decide that they were culpable in pursuing that course, he should be bound to abide by that decision; but his impression was, that the discretion exercised by the magistrates was a wise and sound one. Then as to the charge that the bail was in some cases very large, he had to observe that he had communicated with the two gentlemen already named, and it seemed that the fact was, that a very strong impression prevailed in the minds of the magistrates that the parties alluded to might be guilty of high treason—at least there were circumstances in their conduct which might lead to the supposition that they might be arraigned on such a charge. Under these circumstances it was the duty of the magistrates to see that, while the bail was not more than the parties could afford, yet it was enough to secure their appearance in court should the Government think proper to indict them for treason. As to the discomfort and inconvenience which the prisoners suffered in confinement, he must say that there was the utmost desire on the part of the magistrates to afford every convenience to the prisoners. The gaol was a very large one; it was at the time occupied by many prisoners and in the course of a few days many hundred prisoners were sent there for safe custody, and it was, consequently, exceedingly crowded; but the prisoners were exposed to no inconvenience beyond what was inevitable. So attentive were the magistrates to their health and comfort, that, as the weather was warm, and they feared some disorder might break out in consequence of the crowded state of the gaol, they whitewashed it, and gave up the chapel to the accommodation of the prisoners. That was no ordinary time. There was a universal suspension of labour, during which the utmost anxiety prevailed for the protection of life and property, and he was happy to bear his testimony to the praiseworthy conduct of the bulk of the community in abstaining from violence. But, notwithstanding this forbearance, the universal suspension of labour could not but excite great alarm. The extent of the suspension was, probably, exaggerated to some extent in the proclamation which the hon. Member had read, but to his knowledge the statement was substantially true. Throughout the district in which he lived all labour was suspended, and it was said by the rioters that nothing should be allowed to work but the sickle to cut the harvest and the mill to grind the flour for the bread of the people. The magistrates took every measure for the preservation of the peace according to the means at their disposal. He could bear testimony to the manner in which they had discharged their duties in his portion of the county. From morning till night they were in attendance for several weeks in rotation, in the Town Hall of Manchester, and every moment of the twenty-four hours when any one wanted their advice, they were ready to afford it. For many days they were totally occupied in receiving applications from manufacturers seeking for protection for their works, and asking for advice as to the course which they ought to pursue. At one period they were engaged from nine o'clock in the morning till nine o'clock at night, in receiving such applications, tendering their advice, communicating with the general of the district as to the best means to be adopted for the protection of property, and swearing in special constables. He was very glad to bear testimony to the remarkably good feeling which was exhibited on the part of large bodies of workmen to protect the property of their masters. He believed that he himself swore in more than 500 individuals as special constables. Many came with their masters to him in the Town Hall, others came to him at his own private house. He did not swear in any under the compulsory powers which he possessed as a magistrate, but distinctly told them that he would not swear in any man as a special constable who would not assure him that it was his own voluntary act, and undertaken solely through a desire to protect his master's property. Some were afraid that they would be obliged to protect property at a distance, and belonging to parties who were unknown to them, but expressed the utmost readiness to do what they could for their own masters. That was the statement which he took the liberty to make to the House in answer to the charges of the hon. Member for Finsbury. If the magistrates were not enabled to investigate the charges immediately on the apprehension of the prisoners, yet as soon as by the arrival of a large military force the peace of the country was secured they gave their most assiduous attention to investigating the charges. Individually, he had not the slightest objection to the motion of the hon. Member, and to show that he did not shrink from inquiry, he should vote for it. He must guard himself against its being supposed that he thought the hon. Member had made out a case for inquiry, or had brought forward the motion at a fitting moment, or, so far as the bulk of the parties was concerned, had come forward on behalf of aggrieved and innocent individuals. He did not support the motion on either of those grounds, but because he, for one, would not shrink from inquiry. The verdict of the juries did not show that the individuals who appealed to the House had any right to complain. As to Mr. Foster and Mr. Maude, he must say, as their characters could not be so well known to the Members of this House as they were to the community among whom they resided, that no men enjoyed more fully than those gentlemen the respect of all classes and all parties in Manchester. He believed that the imputation cast upon them by this motion would not meet with the slightest support.

Colonel *Rolleston* was understood to say that he would consider the allegations in the petition presented by the hon. Member only so far as he was concerned. The charges against the magistrates were —first, that the tribunals before which the prisoners were charged were partial and prejudiced; second, that the trials were conducted in a manner contrary to law and to a proper regard for justice; and third, that the prisoners were guilty of no offence against the law of the land or the constitution. But what was the proof of these charges? And what was the conduct of those parties who were so guiltless of offence against the law of the land or the constitution? In his neighbourhood two agitators had been for some weeks previous to the outbreak lecturing the people on every topic which could inflame them. One of these, a man of the name of Clarke, the very week before the outbreak, addressed the people in an inflammatory speech, calling on them to assemble in great numbers for the purpose of carrying forward their measures. Another placard called on the people to assemble, and exhorted them to cease from labour until they should obtain the charter. So long as they were peaceable they were not interfered with, but when they resorted to violence, the magistrates were requested to interfere, and active measures were then taken for putting an end to these meetings, by which every branch of trade had been interrupted. The hon. Member for Finsbury complained that the trials had been conducted in a manner contrary to law, but the hon. Member must be aware that the prisoners had the advantage of the assistance of some of the most eminent men at the bar, by whom their interests were, no doubt, most efficiently protected. The outbreak, it must be remembered, was not confined to persons belonging either to the town of Nottingham or the county of Nottingham, but amongst the mob were persons from Derbyshire and other places, which plainly showed that it was of a most serious nature, and that the magistrates were perfectly justified in taking strong measures for its suppression.

Captain *Berkeley* said, that from all he had heard that evening, he should at once have pronounced an opinion, that the magistrates had not exceeded their jurisdiction; but he had heard nothing yet in answer to his hon. Friend the Member for Finsbury, who had simply confined his motion to an inquiry into the subject. He was very much afraid that this, as in most other cases, was made a party question. An hon. Gentleman on that side got up and asked for an inquiry, and immediately all hon. Gentlemen on the other side resisted that inquiry. His hon. Friend began his statement by a good-humoured allusion to the unpaid magistracy, and as one of that body, if his hon. Friend had asked for an inquiry into his conduct as a public magistrate, and had given notice of that intention, he would have gone round to every individual in that House, and entreated him to support that motion. It was an injustice to the Gentlemen whose names were brought forward that this inquiry should not be granted; and for that reason, for the reason that

> "He who filches from me my good name,
> Robs me of that which not enriches him,
> But leaves me poor indeed."

he should support the motion of his hon. Friend.

Mr. *Brotherton* said, that the hon. Gentleman (Mr. Duncombe) in the first place stated, that the outbreak had arisen on a question of wages, encouraged by the Anti-Corn-law League; that after that the question took a political turn, and that those persons who were connected with the Anti-Corn-law League and the magistrates changed their conduct, and became harsh and severe towards those persons whom they had previously encouraged to do what they had done. In the next place, the hon. Gentleman stated, that the magistrate, Mr. Maude, contrary to the wish and opinion of Sir C. Shaw, permitted the mob to enter Manchester, when it might have been prevented; and in the next place he stated, that Mr. Beswick, the superintendent of police, afterwards, without any warrant or authority from any one, arrested the Rev. Mr. Scholefield, and behaved in a very harsh manner. Those were the charges brought forward by the hon. Gentleman. Now, as to the origin of these outbreaks, it might have been a question of wages. They all knew, that there was great distress in the country at that particular time. They knew that the manufacturing districts were in a most deplorable state. It was said, that the wages were reduced by the members of the Anti-Corn-law League, in order to bring about a repeal of the Corn-laws. He would ask those who wished to impute any harshness to the manufacturers, whether the wages were reduced by Tory, Liberal, or Anti-Corn-law League manufacturers alone? They were all under the necessity of reducing their wages, and they could not avoid it. The distress arose from a want of employment, and that must have led to a reduction of wages. The master manufacturers must have reduced wages, or become bankrupts. He was told, that the first reduction was among the Conservative manufacturers. There was then a turn out, but what was the consequence? The workmen no longer acted upon their old principle. He was old enough to remember a great many turn-outs among the operatives, but they never adopted such an unwise plan as upon this occasion. Their plan was, to turn out at one mill, or in one district, and let the rest who continued in employment support them. By those means they compelled the manufacturers to pay them the wages they were seeking for, who came into their terms on account of the great expense the millowners must be at in keeping up their mills, while they made nothing by them from their machinery standing idle. If, then, this had been simply a question of wages, that would have been the plan they would have adopted. It was one which their own common sense would have dictated. But they knew, that some years ago, the operatives were told, that they should have a holyday, and that that general holyday should bring about the Charter. One of the leaders of the Chartists had always been in favour of that principle—that there should be an universal cessation of labour, in order that they might obtain the Charter. Hence that which was in its origin a question of wages, was made a political matter, it became a Chartist question, and upon that principle different persons proceeded to the different towns to stop the mills, in order to obtain the object they had in view. Those persons entered Manchester on the 9th of August. Complaint was made against Mr. Maude for permitting them. He believed, that the learned Attorney-general fell into a mistake in stating, that Mr. Maude met the mob entering the town, and conducted them in, although he could have prevented them from entering. That he entirely denied. It was without foundation. He was well acquainted with the locality, and he must inform the House of this fact. From Ashton to Manchester there were two roads parallel to each other. Sir C. Shaw knew very well that a meeting was held at Ashton in the neighbourhood, and that it was the intention of those persons to come to Manchester to stop the mills. He was commissioner of police, appointed by the Government, and, no doubt, was in the confidence of the Government, and had acquainted them with the state of the neighbourhood. He withheld all information from the magistrates of Manchester. Mr. Maude, the stipendiary magistrate of Manchester, knew nothing of the state of Manchester, or the surrounding district up to the morning when the great crowd entered the town at nine o'clock. Sir C. Shaw wrote to Mr. Maude that morning, to acquaint him that those persons were coming to Manchester, and that it was necessary to have the military and police to prevent them. Sir C. Shaw took the police out on the Ashton road, but he took them on the wrong road. On that road he met a party, but he had not with him a force sufficient, and he permitted them to come into the town. Another party had gone by the other road, and before Mr. Maude could come to the place where the military were, the mob, to the number of several thousands, had advanced a mile into the town, and had turned out several mills before Mr. Maude came to meet them in Pollard-street, near Ancoats-lane. When he came there it became a question of prudence how he should act, and Mr. Maude acted in such a manner as entitled him, in his opinion, to credit for discretion, humanity, and forbearance. The result was, that not a life was lost, and there was no injury to property to any extent. The magistrates, in fact, acted wisely in not offering that resistance which might have brought about those results which they were so anxious to prevent. He spoke from his knowledge of the town, and his conviction that it would have been the most unwise to attempt to drive the mob back. The commissioner of police—being the Government officer—not having communicated that information to the county magistrates, or to the borough magistrates, that he might have given, he was of opinion that the charge against the borough magistrates of Manchester could not be sustained. On the contrary, he thought they deserved credit for the manner in which they had discharged their duty on that most important and trying occasion. Now, as to the third point—the conduct of Mr. Beswick in arresting Mr. Scholefield without, as the hon. Member for Finsbury alleged, having any warrant. [Mr. *T. Duncombe*: Searching his papers without a warrant.] That Mr. Beswick searched Mr. Scholefield's papers without a warrant, and treated him with great severity. Now, with reference to this charge, it appeared that Mr. Beswick having received orders over night sent a message in the morning to Mr. Scholefield, requesting to see him; that he permitted that gentleman to take his breakfast and to prepare himself, and that Mr. Scholefield made no complaint whatever with regard to his conduct towards him. So satisfied, indeed, was he as to the manner in which Mr. Beswick had treated him, that he had since called upon him to thank him for his conduct, and to express his satisfaction that he should have been the officer appointed to discharge the duty. With regard to the conduct of the people, he must say, that in general they had, in his opinion, behaved in a praiseworthy manner—that the population of Manchester had done credit to themselves by the forbearance they had shown on all occasions. He thought highly of them for it. While he would use every effort in his power to obtain for them their rights—to get for them the means of employment and food—and to bring about that state of things that was calculated to promote their happiness and welfare—he would at the same time never lend his sanction to anything like physical force, or to the accomplishment of any object, however proper it might in itself be, by improper means.

Lord *Ingestre* could not allow the discussion to close without saying a few words in defence of the conduct of the two magistrates of Stafford who had been referred to by the hon. Member for Finsbury. Those magistrates had direct and positive evidence of the existence of a common fund at Birmingham, and that the person whom they committed was connected with that fund. They considered that in committing him they were restraining one who would be a firebrand in the district, and that they were thereby preventing him from doing further mischief. They had distinct evidence that language of a most exciting kind had been used by the individual in question. Here was an extract from the affidavit that was before those magistrates:

"O'Neill was addressing the multitude. I hold a paper containing my notes of what he said, which I took down directly afterwards. He said 'Was this a time, when trade was reviving, for masters to reduce the wages? I have myself been a close observer, and I know that trade is improving. I know by inquiries at the carriers and at the railroads; the banks are more free in their discounts, they are relaxing the screw. I consider the governed as in one large room with an air-pump; when the pump is first applied, the inconvenience is not generally felt; at last some one near the window feels the want of air; he goes to the window, and finds a Duke of Wellington with his great sword, who prevents him from opening it; he goes to another and finds an Archbishop of Canterbury, who keeps out the air with his surplice; he goes to another, and finds a lawyer, who stops it with his wig. The whole system is corrupt, the House of Commons is rotten, and what does it care for the misery of the people? Sir Robert Peel is a man of the most callous heart, and he, with the Duke of Wellington, for the purpose of butchering the poor Chinese and Indians, must levy an income-tax; was this tax paid by the workmen? Not directly; it was put on the masters. In this neighbourhood there are 70,000 workmen, and the masters having to pay 7*d.* in the pound for income-tax, take off 6*d.* per day from their workmen, so that they make a good profit of it.' He called on the meeting to stand out still longer. He said, 'I am sure you can do so for six weeks; the price of iron is rising; some descriptions of iron rose 1*l.* a ton yesterday. The iron-masters cannot do without coal: if they would remain out the masters would come to; the colliers are nearly all out. In South Wales they, as well as the ironmen, have struck. In Nottinghamshire and Leicestershire they are out. I have the pleasure to tell you that next week they will be out in Derbyshire, where I have been endeavouring to effect it. Only yesterday I had a deputation of three colliers from the Moira pits, who assured me they would immediately strike, as would those at Claycross. The most important of all was, the people had no voice in the representation of the country, and no good would happen until they had. The Charter had been drawn up by a committee, consisting of some Members of the House of Commons and some working men.' He mentioned the names of some individuals, whom I do not remember. In speaking of the House of Commons, he inquired of what it was composed. 'Of lawyers; did they care for the people? Of cut-throat gentlemen; I mean the paid military; do they care for the people? Of fox-hunting gentlemen? do they care for the people? I have declared, and I do declare, that I owe no allegiance to the Government: it is an usurped Government. I am a Christian aud a man of peace.'"

On O'Neill's person was found the following paper:

"Englishmen! the few remaining liberties which a tyrannical oligarchy has left to the enslaved people have been this day forcibly taken from you in Birmingham by an armed power. In vain does the British Constitution declare, that every subject has a right to petition the Queen on his grievances. The Government, through the magistrates, have denied that right, and have, in opposition to every principle of justice and of the Constitution, prevented a meeting called for the purpose of peaceably memorializing the Queen, having first brought into the town an armed power to enforce their unjustifiable and unconstitutional proceedings. We issue out our solemn protest against such undisguised tyranny, declaring, that if such an encroachment on the rights of Englishmen is submitted to, there will be no longer freedom for any class, tyranny preserving its power only by abridging the liberties of all. We record it as our deliberate opinion, that the ruling power has taken away the just and constitutional rights of the people, and that circumstances have now arisen in which the Government has no rightful claim to our allegiance. Passive resistance on our part is not only a right, but a sacred duty. We resolve not to obey the Government by serving them in any capacity. We resolve not to recognise them as our Government. We, therefore, refuse to pay all taxes.

"By order of the committee,
"ARTHUR O'NEILL, Secretary.
"Christian Chartist Church."

Now, he put it to the House whether the magistrates had not acted from right motives in not allowing such a man as this to go about the country exciting the people? He admitted that those gentlemen had committed an error. A court of law had decided that they had done so, and the magistracy were ever ready to bow to decisions of the courts of law. He thought this motion most ill-timed and ill-advised. It could not be regarded in any other light than as seeking to cast a stigma on the magistrates, who, for the manner in which they did their duty during the disturbances, deserved the gratitude of the country. He therefore opposed the motion, and he should not imitate the course of the hon. Member for Kendal, who spoke against the motion and meant to vote for it, but he should vote as well as speak against it.

Mr. *R. Scott* thought there were some parts of the conduct of the magistrates which greatly wanted defence. On the morning before O'Neill was tried, when the magistrates were proceeding to their judicial business, there was a crowd in the street, and although no disturbance was created, the magistrates, immediately before they proceeded to the court, went to their window and read the Riot Act, a proceeding which he considered wholly unjustifiable. Another case which appeared to him to have been conducted in a manner very discreditable to the magistrates, was that of an individual named Cook, who exhibited in his window a placard, signed "A. O'Neill," announcing that a public meeting was about to be held within a few days. That placard he (Mr. R. Scott) did not think contained anything which called for a prosecution. The meeting itself might be improper, and not fit to be held. It was prevented and he would not deny that the magistrates of Birmingham did their duty in preventing it. O'Neill was committed on account of what was contained in the placard; and the person named Cook was committed for exciting the people to seditious meetings. When the trial came on he was indicted not for sedition or treason, but for stopping the Queen's highway, by having in his window a placard which induced persons to stop and read it. That was the grave and serious charge upon which this individual was detained in prison for several weeks. He thought the learned Attorney-general had made no answer to the statement of the hon. Member for Finsbury. There were a great number of cases which called loudly for inquiry. The country might judge of the prosecutions instituted by the magistrates, but there could be no proceeding by action or indictment against them by the public. Individuals, indeed, might have their recompense for injuries done to them, but the public at large could have no remedy for the infraction of the liberties of the people, except at the hands of that House. He admitted that every allowance ought to be made for magistrates placed in such difficulties as arose on that occasion; but when they proceeded to a breach of the laws, and did actions which tended rather to break the peace than to preserve it, he thought the House ought to take their proceedings in the several cases detailed into their most serious consideration. With respect to that part of the country with which he was connected (South Staffordshire) it was highly to the credit of the people, that when they struck for wages, they refused to join the rioters, and there was not the slightest ground for bringing against them anything approaching to the charge of high treason.

Sir *James Graham*: Sir, I venture to offer myself to your notice because I think the House will expect me to address a few words to it before this debate is brought to a conclusion. I must say, I think that the hon. Gentleman who has just sitten down is singular in his opinion that the answer of my hon. and learned Friend the Attorney-general, to the speech made by the hon. Gentleman the Member for Finsbury is unsatisfactory. I am sorry the House was not more full when my hon. and learned Friend addressed it, because I assert with confidence that a more full, complete, spirited, and satisfactory answer never was given to any charge than the answer made by my hon. and learned Friend. The allegations of the hon. Member for Finsbury have been discussed *seriatim* by hon. Gentlemen on both sides of the House, who are competent themselves to give evidence on every charge. The Lancaster case was disposed of by the Attorney-general. The Dudley case has been satisfactorily disposed of—notwithstanding what has fallen from the hon. Member who has just sitten down—by my hon. Friend the Member for Droitwich. But the case does not rest on his single statement; my hon. Friend relied on the judgment delivered in the Court of Queen's Bench by the Lord Chief Justice of England. It is all very well for the hon. Member for Walsall to say that a charge of this kind must be investigated, and that it is necessary to bring cases like those on which the hon. Mover delights to dwell before committees of the House of Commons, in order to have justice done. The very case of which so much has been said, has been carefully investigated and sifted to the bottom—every particular of it has been examined. It was heard before a single judge—Mr. Justice Patteson, who hesitated very long before he would grant a rule for a criminal information. His first impulse was not to grant it. For the sake, however, of having that important question sifted thoroughly, he consented to grant it. It came on upon motion before the Court of Queen's Bench. The case was fully argued, and the judgment of the Court was pronounced in the terms read by my hon. Friend the Member for Droitwich. I will not weary the House by quoting the precise expressions. It is true that costs were awarded, but on the express ground, as stated by the Chief Justice, that the magistrates were wrong in their law. The rule being that no criminal information shall be granted by the Court where the *animus* of the magistrates is held to be pure, the Chief Justice stated that the magistrates had to act in circumstances of great public danger; and it being the opinion of the Court that they had acted in the midst of that danger firmly, honestly, and with the purest and best intentions, the Court positively refused to grant a criminal information; but at the same time it being admitted that the magistrates were wrong in law, costs, as I have said, were awarded. Where, then, is the necessity for investigating this matter before a select committee? The case has already been fully examined. Doubt, if doubt there were, as to the law, has been cleared up by the highest judicial authority. But said the hon. Member for Finsbury, the magistrates were dismissed with censure by the Court of Queen's Bench. I positively deny that assertion. So far from imputing censure, the concluding sentence of the judgment gave praise to the magistrates. The Chief Justice said,

> "The opinion of these magistrates was hastily adopted in a crisis of real danger, and most probably from deference to a general resolution. This induces us, in conformity with the rule by which this court has regulated its practice, to decline interfering by a criminal information, and we discharge the rule; but as the conduct of the magistrates was such as to justify the application, they must pay the costs."

I repeat my assertion, that with respect to the *animus* which dictated the proceedings of these magistrates, the Court of Queen's Bench, so far from censuring them, discharged them without any imputation whatever discrediting their conduct. In point of law they were undoubtedly wrong, and they were, therefore, ordered to pay the costs. The law is now quite clear on the point. Before this case, it might have been a matter of doubt whether the circumstance of an individual holding strong political opinions in connection with an insurrectionary movement, was a sufficient ground for refusing to receive him as bail, on the part of an insurgent, whose violation of the law he had countenanced and encouraged beforehand. My own understanding of the law always led me to believe, that the decision of the Dudley magistrates was improper; but any doubt which existed on the subject has been cleared up by the judgement in the case. It is needless to refer to the three cases which were tried at Lancaster. The petitioners are, first, the printer of a placard which my hon. and learned Friend the Attorney-general has pronounced to be a document which, if not treasonable in its character, might be considered as bordering on the very verge of treason, when coupled with the overt acts which were committed, and this person pleaded guilty. The second petition is from the chairman of the executive council from which this placard emanated, and who was convicted; and the third petitioner, who was acquitted, is the individual in whose chapel were held the meetings of the executive council, by whom this dangerous, and seditious, if not treasonable, placard was issued. So much, then, for the Lancaster and Dudley cases. I now come to the case affecting the hon. Member for the county of Nottingham (Colonel Rolleston), who has given a most clear and distinct explanation to the House; and the House must remember that this statement does not rest on any doubtful authority, but that the hon. Gentleman was himself a witness of all the transactions referred to in the petition. The House must bear in mind that though all the prisoners were included in the same indictment, and were arraigned together, and pleaded to that indictment conjointly —in order to afford them a more fair trial and to give them an opportunity of separate justification, they were classified and tried separately. One jury, however, had them in charge; they pleaded to one jury; and my hon. Friend had no choice, but to try them by the jury before whom they were arraigned. Then an imputation has been thrown upon my hon. Friend, because, he, being the committing magistrate, also presided at the trial; but a more monstrous proposition cannot be advanced than that it is not competent to a magistrate to commit a person for trial and then to preside at the trial of such a person at the quarter sessions. The committal is made upon an *ex parte* statement, and the magistrate is called upon to consider whether there is ground for placing the accused upon trial; but, when the prisoner is tried by a jury, the magistrate hears, not only the accusation but the defence. It is indeed, a case of everyday occurence that a magistrate, having committed on an *ex parte* statement, is at the sessions favourable to the acquittal of the prisoner. I have long had the pleasure of an intimate acquaintance with the hon. Member for Finsbury who has brought forward this motion; and knowing the clearness of his intellect, I am much surprised at the course which he has taken with reference to this subject. During your absence from the House last night, Mr. Speaker, at the close of the discussion in committee of supply, the hon. and gallant Member for Marylebone made an observation which struck me as being extremely just. The hon. Gentleman said, that monomania was the order of the day, and he illustrated the remark by an allusion to the hon. and gallant officer the Member for Brighton. Whenever the Poor-laws are mentioned the hon. and gallent Member for Brighton seems to have in his minds' eye that terrestial paradise—that Gilbert union in West Sussex—which he paints in such glowing colours, and to which he has extended his especial protection. When an assistant Poor-law commissioner is mentioned, the mind of the hon. Member for Knaresborough is haunted by images of Mr. Mott, and by recollections of the Keighley Union, and straightway he goes off at score and indulges the House with a detail of the oppression to which the poor in the north of England are exposed. I have always considered that the hon. Member for Finsbury was a Gentleman of strong understanding, that his mind was unclouded by any vulgar prejudices, but it appears to me that the hon. Member is not quite free from monomania. The hon. Gentleman seems to me to be possessed with the idea that all the judges of the land are necessarily wrong—that all the magistrates are monsters of tyranny and oppression—that juries cannot do their duty—that Chartists are models of innocence, the purest, the kindest, and gentlest, and most virtuous of mankind! This is the extraordinary delusion under which the hon. Member seems to be labouring. At that eventful period, at the commencement of last autumn, to which such frequent reference has been made to night, I had, amidst much peril and anxiety, an opportunity of forming a judgment as to the manner in which the magistrates of this country discharge their duties; and I should be betraying my trust if I neglected to state to the House that, if happily this kingdom then escaped the imminent and serious danger of an insurrection of a most formidable character, widely spread, and threatening not only property but life—if this country escaped such danger without much loss of life, without the infliction of serious injury upon property, its escape was mainly attributable to the support which her Majesty's Government received from the magistracy. It would be invidious to allude to any particular instances, but two have already been referred to by the hon. Member for Finsbury—those of the Lords-lieutenant of the counties of Stafford and Worcester. The Lord-lieutenant of Staffordshire was not in England at the commencement of the disturbances, but he hastened his return and was at his post before the danger had passed away; the Lord-lieutenant of Worcestershire was in town at that period, and at my request, at the short notice of two hours, that noble Lord went down to his county to discharge his official duties for the preservation of the public peace. It may, as I before observed, be deemed invidious thus to allude to particular cases, but, as the hon. Member for Finsbury mentioned the Lords-lieutenant for Staffordshire and Worcestershire. [Mr. *T. Duncombe* had referred only to the Lord-lieutenant for Worcestershire.] Very well: then I will say, that from the commencement of those disturbances I received no more active and efficient support from any individual for the maintenance of the public peace than was rendered by the Lord-lieutenant of the county of Worcester. I should be ashamed, after a debate which I must say has been entirely on one side, to go at length into various points which are involved in the discussion, but there is one with respect to which I think it my duty to notice what has fallen from the hon. Member for Finsbury. The hon. Gentleman has asserted—and as a military man I am sure that the hon. Gentleman must have asserted it with pain and with much hesitation—that drink was given to the soldiery at Halifax, that they were intoxicated before they were called upon to act, and that a breach of military discipline ensued from such intoxication. Now, until the hon. Member made this assertion, I never heard such a charge mentioned, either in this House or out of it; and with all respect for the hon. Gentleman, I must declare that I cannot place credit in the statement. The officer in command of the district in which Halifax is situated is a gentleman of the highest merit and of extensive experience — an officer who maintains among the troops the strictest discipline—General Brotherton; at the head of the army of this country is an officer pre-eminently distinguished by his military talents, but in no respect more distinguished than by his invariable, never-flinching determination to maintain the most severe discipline; and I am perfectly satisfied, that if any such accusation as that which has been advanced by the hon. Member for Finsbury, could have been substantiated, it would not have remained a secret until this time; but the military authorities would have instituted a most strict investigation on the subject, and it would not have been reserved until this evening as a topic of agitation and complaint. I must be allowed to observe, that the hon. Gentleman in dealing with the case of Preston, has received on a matter of fact an answer so conclusive, that it throws some shadow of doubt on his allegations with respect to what occurred at Halifax. The hon. Gentleman also expressed doubts as to whether the troops were justified in acting with decision at Blackburn. It is a disgrace to this country to make the declaration, but the fact shows the lamentable and dangerous extent to which the insurrection had spread, that for two or three days during the month of August, the town of Blackburn might be considered as in a state of siege. The troops durst not venture in small bodies beyond the precincts of the town; mobs of 12,000 or 13,000 persons entered the place from the neighbouring districts; the authorities at length interposed, and several prisoners were apprehended, and when they were about to be removed, an attempt was made to rescue them. [Mr. *Duncombe* here expressed his dissent.] I say, an attempt was decidedly made at a rescue. The hon. Gentleman himself said, that the troops were so pressed, that when they fired, they were within two yards of the crowd, and he questioned the humanity of the proceeding, stating that they ought to have used the bayonet instead of the musket. Under such circumstances, can the House doubt what was the actual position of the troops? I will merely remind the House, that this little band was composed of thirty men only; on every side they were exposed to danger; surrounded and pressed upon by the populace, their position was one of most imminent peril; yet, until the word was given, not a shot was fired, and even then, when the firing began, they did not fire in vollies, but by single files, in order to prevent effusion of blood. The discharge was kept up for a short time, and it had the effect of checking the multitude, and the soldiers were able to effect a retreat in their presence—in the presence of a mob, not only overpowering in numbers, but evincing, I am sorry to say, contrary to the usual character of English mobs, a most sanguinary disposition, and armed with dangerous weapons. One of the hon. Members for Finsbury is a coroner. That hon. Member will not, therefore, set up a committee of the House of Commons as more fit to try a question of this nature than a coroner's jury. Now in the Preston case there has been an inquisition, a judicial investigation — and what has been the verdict of the jury? Not one of murder, but of justifiable homicide. Then, with respect to the conduct of the mayor. I assert that the mayor behaved with the utmost courage, he was present during the whole of the proceedings, when the troops were attacked, and when they fired, and he exercised his civil authority, not ordering the firing to commence till the danger had become imminent, and causing the firing to close when the danger had been overcome. By the conduct of that chief magistrate the effusion of human blood was stopped, and I may state that the town was satisfied with the conduct of that officer; for if I am not mistaken, the mayor has received the thanks of the citizens for his conduct. I believe I have now gone through the principal charges which have been brought forward by the hon. Gentleman, and I can only repeat that which has been so ably and forcibly put by my hon. and learned

Friend, the Attorney-general.—I can only appeal to the House to consider how dangerous motions of this character are—motions brought forward under the semblance of maintaining justice, but which directly interfere with the fair and equal administration of justice. Never has that been more strikingly illustrated than on the present occasion. Some particulars have been reluctantly wrung from my hon. and learned Friend, in the course of the debate, relative to the conduct of one particular person at the time when the delegates broke up, and sought to carry out their designs; and my hon. and learned Friend has been compelled to state to the House that a speech of a most treasonable character was made by one individual who at this moment is upon his trial before a jury at Stafford, for acts growing immediately out of the transactions which form the subject of the motion. The principal persons whose names have been brought forward are now awaiting the judgment of the Court of Queen's Bench. The judges of the land will have within a fortnight to consider what punishment should be awarded to those persons, convicted, as they have been by a jury of their country, of the offences laid to their charge. It has been most painful to my hon. and learned Friend to make a statement which may have the effect of aggravating that punishment. It is inexpedient to call upon the Government and the House formally to give an opinion upon the subject. It is inconsistent with the equal and temperate administration of justice. At all events it would have been better to postpone the motion for the present. I agree with the hon. Member for Kendal, that the motion is ill-timed; and moreover with him I contend it is not supported by facts nor sustained by argument. At the same time I must say that the Government having received from the hon. Member for Kendal, in his magisterial capacity, most efficient assistance in the county of Lancaster, and having derived considerable benefit from his indefatigable zeal and exertions—agreeing as I do with the opinion expressed by the Lord Chief Justice of England, that the magistrates of the country generally, without reference to party feeling, or strong political prepossessions, gave during the recent disturbances their cordial co-operation for the maintenance of the law, and for the security of property—entertaining as I do a high opinion of the hon. Member for Kendal, in his magisterial capacity, I still must say, that if any thing could shake my confidence in the judgment and firmness of that gentleman, it is, that having declared the motion not to be sustained by facts and arguments; having expressed the opinion that in point of time it was inexpedient to bring it forward, he still, from some sensitive fear that, in resisting the motion, his motives might be misunderstood, should have expressed his intention to vote for it. That the hon. Member should have thus expressed himself, I confess fills me with astonishment. In spite, however, of the example set by the hon. Member for Kendal, I hope that all hon. Members of this House, without regard to party considerations, will have the firmness to differ from that hon. Member, and, by their votes, mark their sense of the inexpediency of motions of this kind, by placing the hon. Member for Finsbury in a very small minority.

Mr. *G. W. Wood* begged to explain that it was solely on the ground that his own conduct was impeached by this motion that he voted for it.

Mr. *Muntz* did not approve of the conduct of these people; he could not excuse their conduct; but at the same time he could not excuse the conduct of the Dudley magistrates, when they acknowledged that bail ought to be taken and yet refused to take it from regard to the politics of the parties. If the Queen's Bench had not shown those gentlemen by its language that the magistrates could not do so with impunity, he should have voted for the motion; as it was he should oppose it.

Mr. *Villiers Stuart* had to state on the part of Sir Charles Shaw, that he was most anxious to have an inquiry, and from his acquaintance with that gentleman he must say he believed, if an inquiry were granted he would come out of it with honour to himself.

Mr. *Ainsworth* from his acquaintance with the circumstances, could say, of the magistrates of Preston, that their conduct was most exemplary in very trying and difficult circumstances.

Captain *Vivian* said, that the hon. Member for Finsbury had stated that the troops at Halifax had spirituous liquor or beer given them to drink, to make them do their duty. Now, there was no duty so painful to a soldier as to have to suppress disturbances in his native country, and he thought that the House would agree with him that no blame could be cast on the troops for their conduct on that occasion. The hon. Member ought to be more guarded in his language, because few things, were likely to be more painful to a soldiers feelings than the imputation the hon. Member had made.

Mr. *T. Duncombe*, in reply, said, that in spite of the caution of the hon. and gallant Member, he must repeat he had been informed that the soldiers had been supplied with money, which they had spent in intoxicating drinks. He had stated that in the case of Blackburn beer and cheese had been supplied beyond the rations to which soldiers were entitled. That the inhabitants of the town had a right to do so, he was not there to dispute; but still the case bore the appearance that the military called out had received in one place money, which they had expended in intoxicating drink, and in another place had been furnished with rations beyond the usual allowance to soldiers. The hon. Member for Birmingham seemed to think that the present motion was directed against the magistrates of Staffordshire, and said, that if it had not been for the proceedings before the King's Bench, he should have voted for it. That case, however, did not come within the scope of his motion, That case had been disposed of by the Court of Queen's Bench. The rule had been dismissed, and the magistrates had been compelled to pay costs, and he contended, in spite of what had been said by the right hon. Baronet, that the conduct of those magistrates had been censured by that court. He was surprised, when the right hon. Baronet had read a portion of the learned judge's words, that he did not also read the part to which he had alluded in the early part of the evening. For the satisfaction, therefore, of such Members as might not have heard what he had quoted, he would again read what had been said by Lord Denman:—

"The law is clear, and is as old as the statute of Westminster, 13 Edward 1st., c. 15. Lord Coke, in his commentary upon that statute (2 Institute, 191), says that 'to deny a man plevin who is plevisable, and thereby to detain him in prison, is a great offence, and grievously to be punished;' and Lord Hale, c. 17, adopts the same remark; and Hawkins (4, c. 15), speaks of a refusal of bail as an inditable offence. Blackstone referring to the ancient statute (book 4, c. 22), the Habeas Corpus and the Bill of Rights, calls it an offence against the liberty of the subject. If, then, such refusal took place from improper motives, it might be treated as a criminal offence, and made subject to an indictment or information."

Now hon. Gentlemen might think the magistrates were entitled to the gratitude of the country, but he stood upon Lord Coke's opinion, upon Lord Hale's opinion, and Lord Denman's opinion, that those two magistrates were guilty of an indictable offence against the liberty of the subject in this country. He was convinced that the country were of a different opinion to the right hon. Baronet. The right hon. Baronet had said that nothing was more satisfactory than the speeches which had been made against his motion; that nothing could be more satisfactory than the speech of the hon. Member for Droitwich —that nothing could be more satisfactory than the speech of the hon and learned Attorney-General, and, of course, also, he supposed, that nothing could be more satisfactory than the speech of the right hon. Baronet himself. But he asked the right hon. Gentleman, if he fancied that a question like the present, which interested millions of the working classes, was to be disposed of in the manner he had attempted, or that he was to be put down by a bad joke about monomania? He might be a monomaniac, but he might venture to say that his monomania, on this question, was participated in by almost every person out of doors. In the manufacturing districts, at all events, the people felt with him, that an inquiry was absolutely necessary into the whole of these transactions. Any one might have supposed, by the speech of the Attorney-General that the motion he had submitted, was one of approbation of the placard which had been alluded to, whereas it had nothing whatever to do with the persons tried at Lancaster. He had made no complaint of the manner in which those prosecutions had been conducted by the hon. and learned Gentleman or the Government. Those trials had nothing whatever to do with the case before the House. And therefore the learned Genleman might as well have not inflicted upon the House a speech, well adapted for the case, recently before him at Lancaster, but totally inapplicable to the cases he (Mr. Duncombe) had brought under its notice. What he complained of was, the conduct of the magistrates in refusing bail to persons on account of their political opinions, and he complained of those magistrates imposing and inflicting excessive bail which was tantamount to a refusal of bail altogether to a working man. He complained of persons having been put in confinement for five or six days before they were carried before a magistrate; and then, after having been at last examined, being remanded, and ultimately liberated, there being no charge against them, the magistrates well knowing that no charge could be sustained, and Mr. Beswick well knowing that he could not procure evidence, though he was ransacking the town of Manchester for it. That part of the case had not been answered by the Attorney-general. He denied altogether the statement that had been made with regard to Leach. The case went to the assizes at Liverpool, and was abandoned. Leach was again arrested in September, and was kept in prison seven days. He was then tried at Lancaster the other day, and for the latter offence he was convicted. That had nothing to do with the conduct of the magistrates on the former occasion. He had no doubt he should be left in a small minority; but he should be satisfied in knowing and feeling that that House would be in turn in a small minority in the opinion of the people of this country. The House divided: Ayes 32; Noes 196: Majority 164.

List of the AYES.

Aglionby, H. A.
Bannerman, A.
Barnard, E. G.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bowring, Dr.
Browne, hon. W.
Collins, W.
Crawford, W. S.
Currie, R.
Dennistoun, J.
Duncan, G.
Dundas, Adm.
Elphinstone, H.
Fielden, J.
Ferrand, W. B.
Hall, Sir B.
Hatton, Capt. V.
Martin, J.
Napier, Sir C.
Pechell, Capt.
Plumridge, Capt.
Scholefield, J.
Scott, R.
Strickland, Sir G.
Tancred, H. W.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Wawn, J. T.
Williams, W.
Wood, G. W.

TELLERS.
Duncombe, T.
Johnson, Gen.

List of the NOES.

Ackers, J.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Ainsworth, P.
Aldam, W.
Alford, Visct.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Attwood, M.
Baring, hon. W. B.
Barrington, Visct.
Beckett, W.
Bell, M.
Bentinck, Lord G. ✓
Beresford, Major
Bernard, Visct.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P. ✓
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Bunbury, T.
Busfeild, W.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Collett, W. R.
Colquhoun, J. C.
Colvile, C. R.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Dalrymple, Capt.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, E. B
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Fuller, A. E.
Gaskell, J. M.
Gill, T.
Gladstone, rt. hn. W. E. ✓
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Halford, H.
Hamilton, W. J.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hughes, W B.
Hussey, T.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Knight, F. W.
Lawson, A.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
Maclean, D.
McGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J. ✓
Marshall, W.
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Muntz, G. F.
Murray, C. R. S.
Neeld, J.
Neville, R.

Newdigate, C. N.
Nicholl, rt. hon. J.
Norreys, Lord
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Patten, J. W.
✓ Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, J.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. P.
Smith, A.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stanley, E.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Stuart, H.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Turner, E.
Wellesley, Lord C.
Wyndham, Col. C.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

Adjourned at half-past twelve.

HOUSE OF LORDS,

Thursday, March 30, 1843.

Minutes.] Bills. *Public*—1ª· Sudbury Witnesses Indemnity.

3ª· and passed:—Consolidated Fund.

Private.—1ª· Kendall's Divorce; Birkenhead Cemetery; Grafton Inclosure; Carmarthen Market; Chepstow Water; Sheffield, Ashton-under-Line, and Manchester Railway.

2ª· Oxford Railway; Berkot and Oxford Navigation: Newcastle and Darlington Railway.

Reported.—Staffordshire and Worcestershire Canal; Warwick and Leamington Railway; Lancaster and Preston Railway.

Petitions Presented. By the Marquess of Exeter, and the Bishop of London from Canterbury, Higham Ferrers, Rothwell, and Preston, against the Union of the Sees of St. Asaph and Bangor.—By the Marquess of Salisbury, from Whitechurch, Meline, and Eglwyswrn, against any further Grant to Maynooth College.—From Winchester, in favour of the Dogs Bill.

Illicit Distillation (Ireland).] The Earl of *Wicklow*, in moving for the papers of which he had given notice, confessed that it would have been infinitely more agreeable to him if he could have avoided moving for them at all. Had he received any intimation, either privately or publicly, that it was the intention of the Government to alter the law as it at present stood, he should have felt much satisfaction in waving all discussion on the subject; because he could not help feeling that, in expressing his opinion against the law introduced by her Majesty's Government, he might appear to be, in some degree, acting with hostility towards them. He felt it necessary in the strongest manner to disclaim any such intention. On the contrary, he wished to state in the beginning that, so far from casting any imputation upon them for what they had done, it was his solemn conviction, that in the peculiar circumstances of the case, when they last year brought forward the bill, they could scarcely have done otherwise. The circumstances in which the Ministry were placed last Session, were extremely peculiar. The question of the Income and Property-tax had been brought forward for the purpose of making good certain defalcations in the revenue. No doubt, if it were possible to have transferred that tax to Ireland, Ministers would have felt themselves bound in justice to the rest of the community to have extended its provisions to that country; and nothing but absolute necessity had compelled them to avoid doing so. They found, however, that in the absence of the proper machinery for its collection, and considering the smallness of the amount of the tax which was likely to be obtained, it was useless to have done that, or to create new machinery for its collection; and therefore it became necessary to devise some other mode of taxation as regarded Ireland. Having introduced the measure to which he had referred into England, the Government felt themselves justified, by the admission of men of all parties, that there was no subject more fit for taxation than spirits, provided it was not carried to such an extent as to admit or introduce smuggling, in increasing the duties on spirits in Ireland. In addition to that, the representatives of the people in the other House of Parliament had the petitions of those parties (who were most likely to be affected by the measure) in their favour—namely, the distillers; and further, and above all, the Government had the solemn assurance of the distinguished officer at the head of the excise in Ireland that he had the means of preventing illicit distillation at his command. In every point of view, therefore, they were justified in bringing forward the measure, and yet a more unfortunate measure—one which had more entirely deceived the expectations of those who had brought it forward—had never been introduced. On three distinct grounds he objected most decidedly to the measure concerning which he then troubled their Lordships.

In one portion of the measure it was fraught with manifest injustice. It had been a total failure with regard to revenue, and had been productive of the greatest vice and immorality in Ireland. In stating that it was fraught with injustice, he was forced to remind their Lordships, that at the commencement of the last Session, he remembered it well, and had since then refreshed his memory upon the subject, in the opening statement of the right hon. Baronet at the head of her Majesty's Government in the other House, when he made his financial *exposé*, he stated, with regard to the measure in question (and nothing could be more satisfactory than what he said), that it would be most desirable to assimilate the law regarding revenue in the three countries; but, unfortunately, that could not be done, because the duty in England was 7*s.* and some pence; in Scotland, 3*s.* 8*d.*; and in Ireland, 2*s.* 8*d.*; and he proposed to add the additional shilling to assimilate the duty in Scotland and Ireland. That appeared perfectly fair and just, as they had an assurance that there would be no additional smuggling. It was said, that a revenue of 250,000*l.* would be derived from it, and when the noble Duke brought in the bill in that House, it met with very little opposition. He stated, on that occasion, that he approved of the principles of the bill; but he stated his apprehension, founded upon his experience and long residence in that country, as to the probable result of the measure causing an increase of smuggling. The Government had given him an assurance that such would not be the case, and the bill passed through its several stages to the third reading. In the meantime, he (the Earl of Wicklow) had had an opportunity of communicating with the distillers of that country, and they pointed out to him a fact, which it appeared had escaped the attention of Members of the other House—namely, that while the bill professed to assimilate the duties, it was a bill to make them dissimilar and making the law unlike the law of Scotland, which it professed to follow. He regretted to be obliged to trouble their Lordships with what must be a very dull subject; but it was one that deeply affected the peace and tranquillity of the country with which he was connected. Those Gentlemen pointed out to him that the drawback duty on malt was taken off the Irish distillers by the bill, although it still existed in Scotland. When he ascertained that such was the case, he had announced to their Lordships that he had quite changed his mind with regard to the measure, and if his noble Friend opposite would divide the House, as he had stated his intention to be, he would also oppose it. On that occasion the noble Duke stated that her Majesty's Government had no idea of creating any dissimilarity between the two countries—that the bill would not create it; but if, on inquiry, it was found that any such dissimilarity was caused, another bill would be brought in. Under these circumstances, he felt quite satisfied in withdrawing his opposition, and the bill was passed. The noble Duke, he would observe, had further stated, that, in order to ascertain if such was the case, he would adjourn the future stage of the bill for a few days. He then said, that it was very desirable the bill should pass during that session, which was then drawing to its close, and that a committee would be appointed by the other House which would fully consider the subject. That committee was immediately afterwards appointed, and although he felt that nothing important could result from it, he did not further oppose the bill, the Government being extremely anxious to carry it through; and, under all the circumstances, he thought it better to say nothing, and the bill was allowed to pass. However, the select committee was appointed, and he then held in his hand their report, which was the occasion of his then troubling their Lordships. He would have been exceedingly glad if their Lordships had read it, or that it could have been laid upon the Table of that House; but, as it related to a financial measure. He was informed, that the House of Commons would not communicate it. However, he saw 9*d.* marked upon it. He concluded, that any of their Lordships could easily procure a copy of it. The committee, it would appear, had reported that it was expedient to continue the drawback duty in Ireland. Now, he did not mean to cast any imputation upon that committee; but it was evident that the majority of them were men who supported the measure of the Government throughout in the House of Commons—there were some certainly who were hostile to such a measure, but they were overruled by the majority. The evidence that had been laid before them was exceedingly important; and it was, in his opinion, impossible that any man could read it who took an interest in the subject, without coming to the same conclusion to which he had arrived, namely, that the law could not be allowed to continue as at present. Having stated that the Government had the sanction of a majority of the Irish representatives, he felt it necessary to account for that, as it had, he confessed, at first surprised him. Their Lordships, however, would recollect, that the question was not whether that alteration would be made in the Irish spirit duties, but whether they would have an income tax in Ireland, or give an equivalent for it. He did not, therefore, blame the Irish representatives for giving their assent to it. Nothing could be more unpleasant to the feelings of the people of Ireland than the imposition of an income tax, and upon the assurance of the Government, that the evils expected from the new spirit duties bill could be obviated, they gave their assent, and it passed almost without opposition. Another reason was, that its operation was not generally felt throughout the land, the practice being confined to certain districts of the country; and he was not therefore surprised that the matter had been left in a great measure in the hands of the Government. He was at a loss to comprehend the reason why the Irish distillers were desirous that the drawback should be withdrawn; but when he read that report, he had ascertained their reasons, and perceived that the object of the great distillers was *coute qui coute*, to exclude the Scotch distillers from the Irish market, and obtain a monopoly for themselves of the trade in Ireland. That was their object, and, in seeking to obtain it, they forgot their own interests, and those of the parties engaged in what he regretted to say was almost the only manufacture of Ireland. What was the consequence? Why, the revenue had totally failed, and not only that, but all the malt distillers in the country had been ruined by it. He would take the liberty of reading to their Lordships a few lines from a letter of a distiller who had seen the notice of his motion upon the subject, but with whom he had no acquaintance:—

"I am solely a malt distiller, and am therefore one of those unfortunate persons so much aggrieved by the enactment of last Session, abolishing the malt drawback in this country, but continuing it in Scotland, which measure, coupled with the advance of duty, has been literally my ruin. In autumn, I commenced working my concern, having on hands a good stock of spirits, made the previous season; but after working about ten days, found it impossible to compete with the illicit distillers, by whom this district has been fully supplied with malt spirits ever since. I accordingly had to dismiss my entire establishment, relinquishing my business on October 8th, since when an hour's business has not been done in it—the place now locked up, and a considerable quantity of spirits yet on hands, unsaleable, owing to the low price at which my customers are supplied by smugglers."

He had another letter which he should not trouble their Lordships with, but which stated that one of these malt distillers in the north of Ireland had been, in consequence of the recent addition to the duty, obliged to supply his customers in America, with Scotch spirits, finding that he could not complete his contract at a remunerating price from his own country, and clearly demonstrating the effect of that unjust provision respecting the drawback, which he believed had had the effect of ruining that class of persons to whom he referred, and by whom the best description of spirits, for those who can afford to drink the best spirits, was manufactured. The consequence was, that a vast quantity of Scotch spirits was smuggled in, but a still larger quantity of spirits was unfortunately made by illicit distillation in Ireland. He had now stated the reasons which it appeared to him had influenced some of the Irish distillers in petitioning for the measure, but, in granting that boon to Scotland, did their Lordships suppose that they had conferred a favour on that country? Directly the reverse. It was well known that with regard to the malt drawback, the greatest frauds were practised, and that it was impossible for any excise regulation to guard against them, and he could scarcely refrain from referring to one or two points in connexion with that subject, and which showed in the clearest manner, the way in which the frauds were carried on. It would be, therefore, for the benefit of the Scotch distillers themselves that the system should be put an end to, because if it could be shown, that while some evils had arisen, and some injustice had been done to the Irish distiller, that yet the revenue expectations held out to the House and the country had been accomplished, then it might be said that they could not relinquish the additional duty without some other tax in its stead; but what was the fact? The amount of revenue calculated upon was 250,000*l.*, while the amount received was just 15,000*l.* The noble Duke, on a former occasion, as he understood, had stated that it was 40,000*l.*, and appeared so in the returns; but if their Lordships would look closely at them, they would find that the greater portion of that amount was collected in the first quarter while the low duty continued, it being considered fair that the distiller should only pay the old duty on the stock in hand. But if the amount received in the first quarter was deducted, the increase was only, as he had stated, 15,000*l.* The returns certainly gave four quarters, but the higher duty was only charged on three of these quarters, and it was impossible for anybody who took an interest in these matters to read over the papers laid on the Table without seeing that such was the fact. Was he not justified, then, in calling upon her Majesty's Government to retrace their steps, finding, as they must, that their intentions had been entirely frustrated? It had been stated, that the measure had been brought forward by way of a compromise, and that if it was repealed the Income-tax would be applied to Ireland. But what was he asking of their Lordships? Only to give up 15,000*l.* per annum, and he believed some of their Lordships connected with Ireland would rather pay the entire sum than that the present state of things should continue. At the same time, he maintained, that a very large portion of the Irish people already paid the Income-tax although that country had not got credit for it. Was it not a fact that a large portion of the Irish landowners, whose rents or dividends were received in England, were taxed upon their property drawn from Ireland. He might be told, perhaps, that that was placed to the credit of England; but he thought, in fairness, that it should be placed to the credit of Ireland, and that the sum so obtained would be found much larger than was anticipated. But there were other taxes which the Irish population paid, and of which no returns were made. When he looked at the large number of individuals belonging to Ireland who were residing at Bath, Cheltenham, Leamington, and the other towns in England, and which was the lamentable result of the unsettled state of Ireland, compelling these persons who could afford it to enjoy their wealth in the quietest part of the kingdom, he thought their contributions to the revenue had been most unfairly overlooked; and he could assure their Lordships that the great majority of those who could afford to live in this country paid the Income-tax. He need not remind them that all the military and naval officers on half-pay who resided in Ireland, and all those who were in the receipt of annuities or dividends out of the consolidated fund, had the tax deducted from it, although they might be residing in Ireland, and it was the fault of the proper officers if that was not shown in the returns. It appeared to him that no one having any acquaintance with the Irish distillery laws, or who had watched their operation in that country, could for a moment suppose that any revenue would be derived from an increase of the duty, or that smuggling could be suppressed. Previously to the year 1822 the duty on Irish spirits was very high, being 5*s.* 6*d.* per gallon, and all the officers, and all the efforts of the Government, could not put down illicit distillation. Armies were marched into the country, and he then resided in the north of Ireland, and well remembered all the evils and distress that resulted from such a state of things. The army was disorganised in attempting to put down the system, and he believed there never was a more tyrannical or unjust act perpetrated in any country than that of throwing upon the town-land the fines levied upon any private still found thereupon. Men who could know no more of the matter than any of their Lordships, were heavily fined; and yet, notwithstanding the severity of the law, and the great amount of the fines, it was found impossible to suppress private distillation, and the evil continued in full force. It was then proposed to try a new expedient, and the duty was reduced to 2*s.*, and private distillation disappeared. The observations made by Sir Henry Parnell, with regard to the increase in the quantity of spirits brought to charge, and the increase of the revenue, were—that while in 1822 a certain number of gallons were manufactured, producing 797,000*l.*, in 1828 the number manufactured at the low rate of duty, produced 1,395,721*l.*, Thus, their Lordships would see, that by reducing the duty, in a few years the revenue had been doubled. After a few years, illicit distillation having been entirely suppressed, the Chancellor of the Exchequer thought it right to raise the duty again; but immediately the hydra again raised its head — private distillation reappeared—and the Chancellor of the Exchequer, knowing that there was only one mode of preventing it, lowered the duty, and the evil disappeared. That went on until the late Chancellor of the Exchequer, Mr. Baring, raised the duty by the small sum of 4*d.*, and last year it had been again increased to 3*s.* 6*d.* the gallon, and the effect had been, as he could assure their Lordships, a most lamentable increase of private distillation. He felt that he ought to rest that statement on some foundation beyond his own assertion. In the reports of papers laid upon the Table of the House, it had been proved that a large increase had taken place in the number of convictions under the new law. In the report he found that in the gaol of Omagh, the number of persons confined for those offences was twenty-four; and, from private information, he had learned, that in the following month of February (the return being made up to the 5th January), the number had increased to forty-four—and in the beginning of March it was forty-seven. In Lifford gaol, a district in which the practice also prevailed, the number in the return was thirty-eight—in February it had increased to fifty-seven, and in March to sixty-two, and at the end of March it was seventy-five. That was the case in various other districts—the gaols were fast filling, and all for what?—15,000*l.* per annum. He would read to their Lordships a letter from a very intelligent magistrate, who had seen his notice on the subject:—

"You are, no doubt, in possession of sufficient information respecting the increase of private distillation, to convince you of the necessity of an immediate reduction of the duty on licensed spirits. There is scarcely a week that informations are not brought before me by the revenue police against persons for malting or making illicit spirits, and from other sources I have the means of knowing that private distillation is increasing in the mountain districts to a distressing, I may say alarming extent. The number of convictions laid before Parliament was sufficient proof of the necessity of its immediate interference to check the evil, but I can assure you that conviction does not follow in many cases where detection has been made; and the systematic ingenuity with which the traffic is carried on, would justify me in saying, that half the private distillers and maltsters escape punishment, so that were you to double the offences returned to Parliament, I believe you would be considerably under the number who are engaged in this demoralising practice. I do not say that this great evil has been entirely produced by the increased duty, as I am satisfied the unusual low price of oats would have induced many mountain farmers to try distillation, to enable them to pay their rents; but the alarming extent to which it has increased, has no doubt mainly arisen from the temptation held out by the increased duty; and no effectual check can be put to it, but by the immediate reduction of the duty."

Such were the opinions of a magistrate who had these cases continually brought before him; but there was a more important fact to which he wished to call their attention, it was the charge of the judge of assize, at Lifford, at the last assizes. Mr. Sergeant Warren, who went instead of Baron Pennefather, stated, in the strongest terms, the alarming increase in private distillation, and conjured the gentry of the country to use their best exertions to put it down. He knew that these gentlemen had been doing so, and he regretted to find, that there had been two or three cases of violent outrage upon the police. In one of them, the magistrates, without exceeding their powers, had, he thought, acted most unwisely, in inflicting a sentence of twelve months' imprisonment upon one of the individuals implicated in the matter, but who was mainly instrumental in saving the lives of the revenue police; but it only showed that no persons could well be more anxious to root out the evil than the magistrates of the district. The low price of oats at the present moment, and the favourable and dry harvest they had had in Ireland last year, were certainly great inducements to this illicit practice; but he believed the exertions of the magistrates could never be successful so long as the peasantry derived a profit of two hundred per cent. upon the article, and all the revenue officers and police, backed by all the army they could send into the country, would not avail to put an end to it so long as these inducements were held out to the peasantry. The returns on the Table proved, on the one hand, the great exertions of the police; but on the other, the great increase of the evil. He thought Colonel Brereton, in the promises he had made, had acted without a sufficient knowledge of the subject. In the large and populous town of Strabane, in the north of Ireland, a private still was at work for several months. It appeared there was a baker's shop near the bridge, and that baker was supposed to have got a great increase to his business, as the smoke was seen constantly ascending from his chimney, but it seemed that a private still was erected under one of the arches of the bridge, the flue of which was turned into the baker's chimney. And although the police got intelligence of it, they were some days before they were able to detect whereabouts it was. He had also been informed, that in the improvements that had taken place in machinery, nothing had improved so much as the machinery of private stills, and they had now brought them to such perfection, that they were able to work them in their own houses. Had these policemen a right to enter these houses or break open the doors to look for them? Possibly they had; but suppose they were mistaken, what an evil was it, that, whenever a man had a little more smoke than usual out of his chimney, the police had a right to force in the doors and search. It was an evil that could scarcely be endured, and it would go on rapidly increasing unless something were done to prevent it during the present Session. He had, perhaps, pressed the question too hastily upon their Lordships, but he was anxious it should meet their consideration before the Chancellor of the Exchequer made his financial statement for the year, because at a subsequent period of the year it would be much more difficult to effect any change in the law. He did then venture to urge it on the House, because, the documents upon the Table showed that the measure was a total failure, and that the promises of those who had given the Government reason to suppose that they had the means of suppressing the practice of private distillation were unfounded. The returns on the Table, the charges of the judges of assize, and the great increase of illicit distillation were, he thought, quite conclusive upon the subject: and therefore, as with regard to revenue, and the suppression of private distillation, the Government had been deceived, he did not think that, merely for the sake of consistency, and because the bill had been introduced under different expectations and hopes, and, above all, when they knew that demoralisation and those evils had been produced—that they would continue to press it upon the country. He did not ask the Government to restore the drawback. He believed it was of no benefit to the distillers; and led to much fraud; but he wished to see it also withdrawn from the Scotch distillers, and he was convinced that much more revenue would be obtained. If they were afterwards compelled to put the powers of the law into execution to suppress private distillation, they would have the satisfaction in their own consciences of feeling, that they had not called into existence the evil they were so anxious to put down, which might be urged against the Government as the law at present stood. He confidently hoped, that her Majesty's Ministers would alter the present law. He maintained, that all experience on the subject had shown that, in order to suppress that traffic, they should have lowered not raised the duty. Thanking their Lordships for the patience with which they had heard him, he would beg leave to move for a continuation of the papers he had ordered on a previous day with reference to this subject, and which, he believed, with ordinary dilligence, might have been ready in two hours, although they had not yet been laid on the Table.

The Duke of *Wellington* said, my Lords, I regret that the papers which have been moved, for by the noble Earl have not been produced, and I was in hopes that the noble Earl would not have brought the subject under your Lordships' consideration till all the papers necessary were laid on your Lordships' Table. The subject is a very intricate one, and it is most desirable that you should have all the information relating to it before you. The very document which my noble Friend has read is not on the Table. I think also, it would have been desirable that my noble Friend should have confined his speech to that which relates exclusively to Irish spirits, and not called on your Lordships to repeal the Scotch malt drawback. We might as well have had the Irish question settled first. The noble Earl has stated correctly what passed in the last Session with reference to the necessity of this measure. He objected, in the first instance, that Ireland was not included in the Income-tax. I think he is justified, after the course he took last Session, and with the opinions he entertains as to the success of this measure, in endeavouring to prevail on the Government to make some alteration, but the mode of making those alterations should be communicated to the authors of the measure, and they should be convinced that it is desirable to alter it; it should not be brought to your Lordships' House, which, in the common course of things, can only give one vote on such a question. I object also to the noble Earl's bringing forward the whole question of spirits in Ireland in the absence of my noble Friend, the President of the Board of Trade. The noble Lord has stated truly the origin of this measure. It was adopted because it was found inconvenient to extend the Income-tax to Ireland for the purpose of producing revenue. It was hoped, from the representations which had been made, that the measure would be successful in producing additional revenue, and would not cause increased smuggling. Besides, it was thought desirable by the distillers of Ireland themselves to bring the spirit duties of Ireland and Scotland nearer to an equality. My noble Friend has left out of consideration, that in point of fact, a large quantity of spirits is legally consumed in Ireland, which is brought from Scotland. It is a great advantage to Scotland to have its spirits in bond, and sell them in Ireland. This quantity is never entered in the returns of duties. This makes a great difference in the returns. This is one reason for the addition of 1*s.* in the duty in Ireland. I adhere to what I stated—namely, that there is an increase of 40,000*l.* in the duties in 1842. The noble Earl is mistaken in supposing that I said the accounts for 1842 stated an additional produce of duty, taking the four quarters together, which did not exist till the last quarter. What I said was, that the year produced more, including the last quarter. I stated the facts which were on the returns, and nothing more. The noble Lord admitted one cause of the increase of distillation. It is owing to the extreme lowness of the price of oats last year, as well as the extreme dryness of the season, which gave a great facility for obtaining fuel. Oats and fuel were cheaper than ordinary, and gave great facility to private distillation. But, at the same time, great activity has been used to put it down. Steamers have been stationed on the coast, which made it necessary to remove the spirits by land—the consequence of which was, that more convictions had been obtained than in former years. If, however, your Lordships will examine the returns, you will find the convictions in 1842, under the act of last Session, and up to January, 1843, are not more numerous than those of former years, even with a low duty, when the price of oats was low, and the same facility of obtaining fuel existed. It does not, therefore, follow, that the increased duty of 1*s.* is the cause of the increase of private distillation, taking the number of convictions as the test. It is certainly true that there has been for some years a gradual decrease in the amount of spirits paying duty. In the last six or seven years the average has been 1,200,000 gallons. That was the amount of reduction last year. There might be some difference if the Scotch spirits paying duty was brought into account. The reduction has been owing to the gradual system of temperance which has fortunately been established, and which I say is most desirable to encourage. I have one other observation to make on these returns. It is not true in point of fact when it is stated that drunkenness, and the crimes proceeding from that vice, increased in the last year. I believe it can be shown that the number of those crimes last year was below the average of the last eight or ten years, and drunkenness, and the crimes arising out of it, have decreased and continued to decrease up to the last moment of the returns. I do not find fault with the course which my noble Friend has taken to draw the attention of the public and the House to this subject; but I think another course might have been adopted. I have no authority for saying there is any intention of altering the present system with reference to the malt drawback. I understood that question to be settled entirely last Session, and to the satisfaction of the Irish distillers. I don't think this House made any engagement that the malt drawback in Scotland should be withdrawn, but that the question should be made the subject of inquiry by a committee of the other House. That was done, and a measure was adopted which was considered satisfactory to the Irish distiller. I am sorry, if the noble Lord wished to take any objection to it, that he did not do so last Session, instead of bringing forward the question now without notice.

Lord *Monteagle* said, after the full and able statement of his noble Friend, he did not think it necessary to advert to many parts of the question, but, as he had brought it forward on a previous occasion, he trusted he might be allowed to say a few words in reply to what had fallen from the noble Duke. He did not intend to mix up the present question with that of the malt drawback in Scotland; it was one of importance in itself; but he did not think it immediately connected with the main question then before the House. With regard to what the noble Duke had said of the question having been considered last year in committee, that was perfectly true; as also that all the distillers, the raw grain distillers, were only too glad to acquiesce in anything that took from them a certain amount of competition. He believed they were a small class. [The Earl of *Wicklow:* Only five.] But he could assure the noble Duke and the House, that those parties who had been entirely ruined by the measure were not satisfied. He had had letters from these parties, stating that the measure had been productive of the most disastrous consequences to them, because their Lordships would have the goodness to recollect, that those distilleries were built after a particular plan, and they had to prepare themselves for the manufacture of that particular description of spirits which it was the pleasure of their Lordships and of the Legislature to encourage in Ireland—it was their pleasure to throw into the market an article that might enter into competition successfully with illicit distillation. Now they thought it rather hard that the Legislature should turn round on them under such circumstances, and, in his opinion, that was not at all unnatural. He had nothing to complain of in the course pursued by the noble Duke, the Government having fulfilled its pledge to inquire into the operation of the spirit duties in Ireland; but he contended, that the object of the bill, as it had been explained by those who introduced it into Parliament, was to equalise the duties in Scotland and Ireland. Now, that had not been done, because by the law, as it then stood, the Scotch raw grain distiller had it in his power to meet the Irish malt distiller in the market, he receiving the drawback, and the Irish distiller not receiving it. But that was, after all, but a very small part of the system. He felt regret for those who were injured by the operation of the law; but that which he again called the attention of their Lordships to, was the increase of crime from the vast increase of illicit distillation. Without meaning to cast the slightest reflection upon the Government, he would take the liberty of saying, that if they had only profited by experience—if they had only listened to those of the highest authority among themselves, they would have hesitated before they produced such a measure. He did not refer to the experience of the last two years—but from 1822 to 1842, with every alteration, the result had been precisely the same—an increase of the duty occasioning a falling off in the revenue, and a lowering of the duty bringing in a larger revenue to the Government. He said that upon the authority of the commission appointed by Lord Liverpool—upon the authority of the excise commission under Earl Grey, and of the proceedings of the Government in 1823, in 1830, in 1834, in 1840, and in 1842. In every one of these cases, without exception, the alteration of the duties, by increasing them, led to a diminution of the quantity of spirits brought to charge: and in every case in which there was a reduction of the duties, there was an increase in the quantity of spirits brought to charge. In 1823 the spirit duties were diminished from 5*s.* 7*d.* to 2*s.* 4*d.* per gallon, and the effect was an increase in the number of gallons brought to charge of from 2,900,000*l.* in 1822, to 9,262,000 in 1825; the result was, that the Government thought themselves warranted in collecting a somewhat higher duty, and in 1830, the present Chancellor of the Exchequer increased the duty by sixpence. What was the effect? The consumption in 1829, was 9,212,000 gallons yielding a revenue of 1,305,000*l.*, while in 1833 it fell to 8,168,000 giving a revenue of 1,361,000*l.* In 1834, Lord Spencer reduced the duty from 3*s.* 4*d.* to 2*s.* 4*d.*, and the result was, that the consumption increased from 8,168,000 gallons to 12,296,000 in 1838, giving an increase of revenue above 1833 of 73,000. In 1840 the Chancellor of the Exchequer put on an additional 4*d.*, but even that small sum occasioned a diminution in the revenue, as he forewarned their Lordships would be the case. In defiance of these authorities, and that experience, and the recommendations of their own commissioners, from the time of Lord Liverpool to the present moment, they had been induced, at the suggestion of the present Government, to increase the duty by 1*s*., and the result was, that while in 1842 the quantity brought to charge was 6,485,000 gallons, in the year ending 5th January, 1843, it had been only 5,290,000. Now, he would take upon himself to say, that if they merely looked upon the question as a matter of revenue—if they had no regard for the peace or well-being of the country—he would venture to say, that a greater financial mistake had never been made than that which the Government had committed in the present case. If the noble Duke would allow him, he would take the liberty of saying, that he did not think that the noble Duke had quite answered the statement of the noble Earl. If the noble Duke looked carefully at the proceedings of last year, he would find what the working of the spirit duties had been, and that would be best ascertained by comparing the two last quarters of the past year with the two last quarters of the year ending the 5th January last. In the October quarter of 1841, the number of gallons brought to charge was 1,625,000. In October, 1842, the number was 1,223,000. In the January quarter of the previous year the number was 1,809,000; and in the January quarter; 1843, the number was 1,386,000—so that there had been a steady and progressive falling-off in both these instances, amounting to a less receipt of revenue, in these two quarters than in the previous year. The noble Duke had said, that that was partly to be attributed to the good harvest, the raising of the turf crop, and the good quality of the grain, the price of oats being such as not to make it profitable to the peasant to turn it to such a purpose. But was that House to suit and shape its measures so that they were made ineffectual by reason of the blessings that Providence gave them? Did the Government look to a bad harvest and a bad rising of turf to enable them to save their revenue? Even then they would be in error, because nothing promoted distillation more than a bad harvest, the quality of the grain being such as to make it less valuable when brought to market, while it was still equally useful for the purpose of distillation. He knew not what returns the noble Duke referred to when he spoke of the increase of crime being parallel in former periods. He did not know what years the noble Duke referred to; but if they found that in the course of the last three years there had been an increase of the revenue, while there had been a corresponding diminution in the amount of crime, he did not think any analogy to be drawn from past times could meet the present case. Let their Lordships only look at the returns for the last year, and compare them with the previous one, and they would find that crime had enormously increased. Let them look at the number of detections in the last quarter of 1842, 1,040, being more than the whole of the previous year, when they were 881, or of the year 1840, when they were 1,004. In like manner the number of prosecutions had risen from 279 to 663. In the last quarter of 1842 they exceeded the whole of the prosecutions of 1840 or 1841. So in the convictions, which had increased from 202 to 478, but of these latter, 254 were included in the last quarter of 1842, being a greater number than were convicted in the whole of 1840 or 1841. How was it possible for any one who heard these facts stated to doubt for a moment that there was a connexion, and a necessary one, between the increase of crime and of illicit distillation? He was quite willing to take the statement from the noble Earl, that it was not fair to attribute very generally to the higher classes, or even to the farmers, any great disposition to connive at these practices. He did not want to affirm it, but supposing there was any, he asked was it fair or just, was it wise or expedient, to expose that class to such a temptation? Was it wise or just to expose those interested in the profits of land — whether they were proprietors or occupying tenantry—to the temptation which this law held out, which told them and showed them that they could make a much greater profit by violating the law than by observing it. If their Lordships only read the statements that were made in the public prints of the open and undisguised manner in which the sale of illicit spirits was carried on, and the boldness with which the smuggler was protected—200 persons at a time starting up to defend him, and driving off the revenue officers, defending their houses against the police, and, as the noble Earl had stated, some of them being obliged to interfere to save the lives of the officers—if their Lordships were only aware of these things, they would at once admit that nothing could justify an increase of the spirit-duty. He wished to protect himself from the supposition that he was unwilling to take upon spirits the highest amount of duty that could be collected. On the contrary, he thought they were bound to take upon spirits the highest amount they could—it was one of the best articles of taxation, and should be pressed to its utmost limits, until they found themselves beaten by the smuggler. When they found this—when they found a combined resistance to the law throughout the country, and that the sympathies of the population did not accompany them in the administration of the law—that it became too severe in its operation, and led to an increase of smuggling—then the sooner they retraced their steps the better, and he should consider it no personal or party victory; on the contrary, he should consider that it was a fair experiment for the Government to have tried, they not having been able to ascertain before-hand the amount of revenue they would have been able to raise. The Government had officers in Ireland of the highest character, and there were no men in whom greater confidence ought to be placed; but, with all due respect for them, they had never witnessed the effect of high duties in Ireland. The experiment had been undertaken at a peculiarly disadvantageous period; but, looking at the experience of the past, he was sure, that let them try the experiment as they would, they would fail. He held in his hand a letter from a distiller in the north of Ireland, who stated that the measure had been his utter ruin, and that he was endeavouring to wind up his affairs. Many of the distillers were, he believed, rejoiced at this measure, because they said it was the only way to break down the temperance pledge, to encourage the people to illicit distillation, and they could, having effected that, rely upon the Government to put down illicit distillation, by lowering the duty, and then they would have the trade to themselves. Now, was not that worth reflecting upon? It was most gratifying to hear the statement of the noble Duke on the subject of temperance, and he, for one, was delighted to hail that expression of his good-will towards the measure. It had been stated, and, he believed, with truth, that many of those persons who took the pledge were in gaol for illicit distillation, and there was the noble duke wishing well to the temperance movement while the Government were working the very antagonist muscle by the operation of the late spirit duties act. He would appeal to the noble Duke, as a financier—to the noble Duke as a statesman and a moralist—and he called upon him to enable their Lordships to give effect to the noble Duke's expression of good-will. The Government had taken to itself, and deservedly, great credit for its reduction in the customs duties, and they had laid down, in reference to them, principles of the most enlarged and comprehensive kind. They had taken 5, 10, and 20 per cent. as the maximum of the duty on foreign productions, but here they had a duty of 200 per cent. upon an article produced at home, and manufactured with ease by every peasant. It was said that the improvements of machinery had been introduced into this manufacture, and he believed such was the case, and that it was at present reduced to the simplest process; and yet the sympathies of the Irish people were enlisted in behalf of the private distiller. The mischief that would result if the Government did not interfere in time it would take many years to repair. He hoped the noble Duke would take the subject into his serious consideration, and he was sure he would be greatly strengthened in his communications with the Government by the statements of the noble Earl. Nothing could be farther from the intention of those who took a part in this matter, than to do anything in the slightest degree offensive to the Government. He repeated, however, that the sooner they retraced their steps the better. As it was, the duty could not be said to produce anything, and it would be absurd to propose anything in the way of an equivalent to that burthen. But, if the consequence was, that the property of the country should pay, rather than the morals and peace of the country should be destroyed, and all the evils to which he had already referred re-introduced, he should rather see such a tax imposed, than the present ruinous and demoralizing system continued in Ireland.

Lord *Fitzgerald* said, that he agreed with the noble Lords who had preceded him in the deep interest they took in the well-being and prosperity of Ireland. It was not a question merely of revenue and if he could persuade himself that the measure of last year had produced an increase of crime, had tended to the demoralization of the people, or had even in the slightest degree interrupted the advance of that great practical reform which was produced by the growing increase of temperance, he should not for the sake of any revenue risk so great and beneficial a change. But he thought, that there was no satisfactory argument to show that the increase of illicit distillation was at all owing to the increase of duty upon Irish spirits. He would ask his noble Friend (Lord Monteagle) if he had the least doubt, if the law remained unchanged, whether there would not be a fearful increase of illicit distillation in Ireland? The noble Lord had spoken of the temptation offered by a duty of 200 per cent,; but the high duty was not the only cause of illicit distillation; there was the low price of grain. Was it too much to say, that if the duty had remained at 2*s.* 8*d.*, there must have been from that cause a large increase of illicit distillation in Ireland in the past year? Had the noble Lord the least doubt of it? When he found that the increase of illicit distillation, or at least the decrease of the quantity of spirits brought to account, was as great before the 4*d.* duty was imposed, it was too much to attribute all the increase of illicit distillation to the present system. The noble Baron had read a letter which he stated had come from a malt-distiller. He should like very much to know if the writer was not a person who had already been ruined by an Exchequer process, and had his distillery destroyed for an offence against the Excise-laws. It was impossible, when considering the situation of Ireland, both as respected its peace and revenue, not to feel assured that the attention of her Majesty's Government had been and would be most anxiously directed to this subject. He must say, he thought that the experiments respecting the present duty upon Irish spirits had not had a fair trial. He did not think that the productiveness or the failure of the crops had caused an increase in illicit distillation. It was the low price, that in the one instance was caused by a great abundance, and in the other instance because the grain was inferior in quality. They contended that the desire they had evinced in not putting a direct property-tax upon Ireland was a great boon conferred upon that country. He was equally ready, with his noble Friend to say, that if, as had been alleged, this system had tended to promote crime and demoralization in Ireland, let there be a property-tax placed upon that country; but he must first be convinced that such were the necessary consequences of the present law. He was not convinced of that; but he believed that the apparent increase in illicit distillation, as shewn by the number of criminals, was owing to the active and energetic measures which had been taken by the present revenue-police to bring to justice all offenders against the Excise-laws. With the assistance of those with whom he acted, he resisted the attempts that had been made to impose a system of direct taxation upon Ireland, and by so doing, they felt they consulted the best and the real interests of the United Kingdom. At all events, Government was not prepared to abandon the experiment, and was encouraged to believe, that the measures of prevention which had been taken, would, to a great extent, tend to prevent the continuance of illicit distillation.

Motion agreed to.

Adjourned.

HOUSE OF COMMONS,

Thursday, March 30, 1843.

MINUTES.] BILLS. *Public.*—1°. Marriages and Divorces. 3°. and passed:—Slave-trade Abolition (Bolivia); Slave-trade Abolition (Uruguay); Slave-trade Suppression (Texas).

Private.—3°. and passed:—Birkenhead Cemetery; Birkenhead Improvement; Grafton Inclosure; Carmarthen Markets; Sheffield, Ashton-under-Line, and Manchester Railway; Chepstow Water.

THE WASHINGTON TREATY—BUSINESS OF THE HOUSE.] Mr. *Hume* would take this opportunity of referring to the subject of the motion of which he had given notice, with regard to the Washington treaty. He had on a former evening given notice of his intention to fix the discussion on this question for Tuesday next; he had endeavoured to learn whether it were possible that any day between this and the Easter holidays could be devoted to this discussion, but he found that every day was already occupied. The noble Lord who had fixed a motion for Tuesday next had declined to give up that day; the hon. Member for Liskeard was determined to bring on his motion on Thursday, and on that day there were nine notices on the paper. Unless the right hon. Baronet opposite allowed him precedence on Monday, he should be unable to bring forward the motion of which he had given notice. The estimates were fixed for that evening, but they had been a long time before the House, and it might be hoped that hon. Members would not be disposed to discuss them any further. He, therefore, appealed to the right hon. Baronet to allow him to bring on his motion on Monday. It was a subject of immediate interest, which he thought ought not to be postponed beyond Easter.

Sir *R. Peel:* With the consent of the House, two days were set apart for the transaction of the business of the Government—Monday and Friday—and they were scarcely sufficient for the purpose of getting through the business, which, for the general interest, it was essential should be transacted. Those days were, therefore, in the nature of a public trust, vested in the hands of the Government. He well knew what inconvenience arose from postponing the Government business until a late period of the Session: by such a course, it became impossible to transact the business of the Government properly. Bills were postponed year after year, by reason of the impossibility of discussing them satisfactorily. It was the wish, therefore, of the Government to take advantage of the two days set apart for their use, and so long as there was public business to go through, it was his duty to retain them for that purpose. He knew well that if he gave way in one instance, he must do so in many; and that if he allowed the management of the public business to be interfered with by private considerations, in one case, he must do so in all, or be placed in the invidious position of opposing the wishes of one hon. Member, and giving his assent to the proposition of another. On the motion for going into Committee of Supply, hon. Members had the power to move amendments; it was true that that power was exercised sparingly; he had always protested against its use, and few hon. Members acted upon it. If he gave way in this instance, other hon. Members to whom he might refuse the same privilege, might be disposed to take advantage of the right which they possessed. The hon. Member stood on the same footing with other hon. Gentlemen, and he could not assent to the request which he had made, even although the motion of which he had given notice, was one which he intended to support. Let the hon. Gentleman fix his motion for any of the Government days, and if there was time when the other business had been transacted, it might come on.

Mr. *Hume* hoped that the right hon. Baronet would be convinced that this was a case which would never occur again. This was a resumed debate: what he now proposed as a separate motion would have been moved as an amendment on the original motion of the noble Lord (Viscount Palmerston). The debate was closed by the House being counted out, and the motion was not new matter, but a renewal only of that which had been partly discussed. He should fix his motion for Friday week, and take the chance of its coming on.

Sir *R. Peel*: The hon. Member sitting near the hon. Gentleman who had just sat down (Mr. S. Crawford), could inform the hon. Gentleman that the counting out of the House might take place upon other questions than that of the Washington treaty.

COURTS OF QUARTER SESSIONS.] Mr. *B. Escott* begged to put a question to the right hon. Baronet the Secretary for the Home Department. The practice to which his question referred was one which related in an important degree to the administration of criminal justice, and which in many cases amounted to a denial of justice; and it consisted in the clerk of the peace, or the clerk of the assize, demanding from defendants charged with misdemeanors, before traversing, certain fees, and making the payment of those fees a condition precedent to the defendants pleading to the indictment and taking their trial. So that before a man, who was brought up for a common assault, could plead not guilty, he had to pay fees to the amount of from 2*l.* to 6*l.* to the clerk of the peace as the price of his plea. He was sure that such a practice wanted only to be known, to call for the universal reprobation of all classes, and he was equally certain that the reason why they had not been abolished before was, not that they were upheld by the law, but that they had been demanded in secresy and in the dark. He begged to ask the right hon. Baronet whether he was aware of the existence of these charges; secondly, whether they were not illegal, or at all events improper charges; and, thirdly, whether he was not of opinion that the courts of quarter session, and the other courts, had it in their power to put an end to the practice of demanding these fees?

Sir *J. Graham:* If his hon. and learned Friend had not been so obliging as to give him notice of his intention to put this question, he should have found some difficulty in answering it. Having received notice of the question, however, he had endeavoured to inform himself on that authority on which he could best rely on this subject. He agreed with the hon. Member that it had a very important bearing upon the administration of justice, and he thought that the demand of such fees, before plea pleaded, if not contrary to law, was quite inconsistent with the due administration of justice. He was not previously aware of this practice, and he did not think that it was one of such general prevalence as the hon. Gentleman seemed to think; but he knew, and he regretted that at certain courts of quarter session these fees were demanded. He had consulted the highest authority, and he had no hesitation in saying, that according to the general law of the land, such a demand could not be justified. But he was also aware, that there were provisions in an act of Parliament relative to the adoption of a table of fees, which, after they had been sanctioned by a judge, were binding. He supposed, that in the case to which the hon. Member referred this course had been adopted—that the justices of quarter sessions had framed a table of fees justifying the demand which had been made, and that the judges had given their sanction to that table. If the fact should be as was described, he was sure that the subject of complaint had arisen from inadvertency; and he was satisfied that the judges of assize would gladly say that it was not proper. He hoped, therefore, that no difficulty would arise in the particular case; if there should, he had no hesitation in saying, that he was prepared on the part of the Government to introduce a declaratory bill on the subject.

Mr. *Escott* said, that he was aware that the bill authorised the clerks of the peace to receive fees; but it did not authorise the taking of one penny from the defendant. That was the grievance in this case, and it was not sanctioned by act of Parliament.

Lord *J. Russell* suggested, that perhaps the most convenient course would be to send circulars to the magistrates at quarter sessions on the subject.

Sir *J. Graham* thanked the noble Lord for the suggestion. He believed that it was only in a few counties that the demand of fees had taken place.

EMIGRATION COMMISSIONERS AND RETURNS.] Mr. *Rice* begged to know from the noble Lord, the Secretary for the Colonies, whether the report of the Land Emigration commissioners would be laid on the Table of the House. It was usual to lay it on the Table of the House at an early period.

Lord *Stanley* said, that he was obliged to the hon. Gentleman for giving him an optunity of answering his question. The hon. Gentleman was mistaken in supposing that it was usual to lay that report on the Table so early. On the contrary, no report had been laid on the table on this subject until last year. He had then stated that it would be expedient that a report from the emigration commissioners should be produced, stating the progress of emigration, and of other matters in connection with the subject; and a report had been accordingly produced, but not until the month of August. The practice had been to lay on the table of the House, from time to time, such information as was received from the various colonies. The hon. Member was not aware, perhaps, of the extent to which these papers had gone. Last year, there had been laid on the Table of the House no fewer than forty-three papers, extending to 2,700 folio pages. Of these between 500 and 600 pages had been produced upon the motion of the hon. Member for Limerick; and another hon. Member had moved for like returns, which would take two months in preparation, and which could not be yet produced for a considerable time. The right hon. Gentleman the Member for Northampton, had also moved for some very useful papers relating to Canada and Australia; but until last year, no general report had been laid before the House. The plan which he had suggested to the commissioners was, that they should lay an annual report of all matters which they deemed it expedient to bring before the House on the Table, and he found that they would be able to make their report, in each session, shortly before the Easter recess. Before that time, they could not have the returns made out; and therefore, before that time they could not produce their report. He should feel very much obliged to hon. Members if they would, for the future, postpone, until the report was received, all motions for detached papers. After the report had been made, such motions might be brought forward, and any returns in which the report was deficient, would be afforded with the greatest pleasure.

Nottingham — New Writ.] Mr. *Hume* said, that this being the day on which the suspension of the writ for the election of a Member of Parliament for the borough of Nottingham expired, he begged to move that the writ do now issue. He was the more anxious on this subject, because a misconception appeared to prevail in the public mind as to the proceedings which that House intended to take. A statement had been made, that it was the intention of the House further to suspend the issuing of the writ, and thus 70,000 persons, of whom 6,000 were voters, would be left unrepresented. If such an intention existed, he could only say that it was not on that side of the House.

Sir *R. H. Inglis* said, he had had the honour of making a similar motion last year. He quite concurred in the general principle, that the *primâ facie* case of a borough requiring a Member was sufficient to justify the House in issuing a writ, and that the *onus* lay on those who resisted it. The committee to which the House had delegated the duty of inquiring into the proceedings at the late Nottingham election having made a report unaccompanied by any recommendation for the suspension of the writ, was the House to presume that those Gentlemen had neglected something which it was their duty to perform? He would ask hon. Members whether they were now prepared, after having waited seven days to procure possession of the evidence—he would ask them, now that they had read the evidence, were they prepared to say, that Nottingham should be disfranchised? There was no other course for them to pursue than either to issue the writ, or bring in a bill to disfranchise the borough. No person had given notice of a bill for disfranchising Nottingham, and to delay the issuing of the writ any longer involved a high constitutional right as regarded that borough. If they were prepared to disfranchise the borough, then the suspension of the writ would be intelligible, but if they were not prepared to take that course, the House was not warranted in withholding from Nottingham its constitutional right. He thought, that in suspending the writ up to the present time, the House had acted unjustly, and if the hon. Member had not made this motion, he would himself have done so, but, as the motion was made, he had great pleasure in seconding it.

The Earl of *Lincoln* said, that it was not his intention to oppose the motion, but in consequence of what had fallen from his hon. Friend who had spoken last, he felt called upon to make a few observations. He agreed with his hon. Friend, that it was impossible, after the evidence had been printed and issued, to abstain from issuing the writ, unless it was proposed to take further steps. He would not, however, agree with his hon. Friend, that the House had taken an improper course, when the subject was last before it, in suspending the issue of the writ, for the House was not then in a situation to know the extent or nature of the corruption which obtained at the Nottingham election. He believed, that under the circumstances that prevailed at former elections, he was fully justified in moving for the suspension of the writ, and he still continued to think that, in acceding to that motion, the House had pursued a wise and prudent course. He thought so, because they had presented to the House the report of the committee, which alleged that a number of individuals had been guilty of bribery at the last election, and this could not but recal to mind the proceedings before previous committees which had sat on election petitions from this borough, and also the notorious corruption which had so long characterized the elections for the borough of Nottingham. Having been an eye witness in one instance of the scenes at a former election which demoralized that town, he could speak with confidence on the subject, and not only was there most extensive and systematic bribery, but there were other most flagrant cases of corruption, such as drugging voters, systematic intimidation, and the abduction of voters by open violence; and, what was worse than all, there prevailed in Nottingham elections the most extensive practice of personating voters by men from the country, and this to the amount of hundreds. With a perfect recollection of such practices existing, he felt himself fully justified in moving for the suspension of the writ until the evidence taken before the committee was printed, that the House might have an opportunity of seeing whether or not these practices continued to prevail. He had read the evidence, and although he could not but deeply regret that bribery had again taken place at the last election, being sorry to find that the election for Nottingham was not entirely pure, still he could not help recognising a marked improvement. It appeared that there was no authorised, extended, or organised system of bribery—there appeared to have been no violence, nor did it appear that there was any personation of voters, but that there were merely a few isolated, and as he believed unauthorised, cases of bribery, a state of things, which was very different from the practices which prevailed at former elections. Before he sat down, he felt bound to state to the House, that since the discussion which took place last week, with respect to issuing this writ, circumstances had come to his knowledge which afforded the most convincing proof to his mind of the perfect innocence of the hon. Gentleman who had lost his seat with respect to those cases of bribery. The circumstances which he alluded to proved, that the hon. Gentleman had not been a party to any of those acts of bribery, and also, that for a very long period after the election, he was not aware that they had been committed. Looking to the circumstances under which the acts of bribery had been committed, and looking to the manifest improvement that had taken place in the borough, and bearing in mind also the fact, that at the last election for Southampton no cases of bribery had occurred, when formerly no election took place for that town without extensive bribery, and hoping that the same result would occur in Nottingham, he felt that they would not be justified in taking further steps. The House had, no doubt, paid sufficient attention to the evidence taken before the committee to be able to form a judgment on the subject, and in addition they had the assent of six members of the committee, who were present when the matter was under discussion last week and who were at that time possessed of the information which the House then required, but now had before it, that the proceedings at the late election were not of a nature to justify their withholding the writ. Under these circumstances, he should give his cordial assent to the motion.

Colonel *Wood* did not object to the issuing of the writ, but he thought that some steps should be taken against the parties who were guilty of bribery, as well as against those who received bribes. It appeared, according to the statement of the noble Earl, that the hon. Gentleman who was unseated, did not know, either directly or indirectly, of these proceedings; that parties who were not known to a candidate, might go to a place and vote, and thus unseat a person who had been elected. If such a state of things were to be allowed, no election would be safe; and any Member who was returned, might be disqualified for that Parliament. He thought that in this, as well as in all other cases, when a committee reported that bribery had been committed, that the giver of the bribes, as well as the receiver, should not be allowed to escape with impunity.

Mr. *T. Duncombe* had proposed, in the case of the Ipswich election last year, when four or five persons had been named as having been guilty of bribery, the same course that was now proposed by the gallant Member opposite, although not with the same ability; but every Member opposite, on that occasion, objected to the adoption of such a course. With respect to Ipswich, the Members had three or four times over been recently unseated for bribery; and it appeared that in almost every one of these elections, the same parties were reported as having been guilty of bribery. The right hon. Baronet opposed the adoption of the course suggested in the Ipswich case, although he cheered the gallant Colonel when he made the suggestion. He thought that the proposition of the gallant Member was a very just one, as he had thought when the Ipswich case was under consideration, at which time the House did not seem to take the same view of the question that it did now. As for the individual cases of bribery stated in the report of the Nottingham committee, he would remind the House that they were not nearly equal to the cases which occurred at Ipswich. In the present case, he did not complain of the decision of the committee with respect to the election, and which decision, according to the report, was determined by the casting vote of the chairman; for he thought, after the evidence given, that it could not consistently come to any other decision than to unseat Mr. Walter. But he must add, that of all the trumpery cases of bribery for a Gentleman to lose his seat, he had never heard of one more trumpery than the case of Nottingham. The House must have seen a letter of the Duke of Newcastle respecting this election, of rather a remarkable character. That noble Duke was fully entitled to be spoken of with every possible respect, for he knew that he was beloved in his own neighbourhood. That noble Duke in his letter, condemns what he terms the proceedings of a democratic section of the House, who had, as he alleged, attempted to disfranchise Nottingham. Now, if any persons had undertaken to do anything of the kind, it was not the democratical or radical section of the House, but it emanated from the nearest relative of the noble Duke and hon. Gentlemen opposite. The noble Duke wrote this letter, sympathising with Mr. Walter on the loss of his seat, and expressing the deep interest which he took in that Gentleman's success. In that letter the noble Duke said—

> "I have the honour to have been enrolled an honorary freeman of Nottingham ; and though I have never sought to exercise the right, yet I cannot, without extraordinary alarm and very heartfelt sorrow, see myself and others deprived of our privileges for a single unnecessary hour. It is in contemplation, I understand, to suspend the issue of a new writ, and thus a great and very important manufacturing and commercial borough town, containing 70,000 inhabitants, and 6,000 voters, is to be temporarily deprived of one of its representatives, solely, it is presumed, because twenty-seven men have been proved to have taken each a few shillings from unaccredited agents, and entirely, as admitted, without your knowledge or sanction."

Now he thought that the noble Duke and the public should know, when he found fault with the proceedings of that House, that the proceeding did not originate with the democratic or radical section of that House, but from the noble Duke's own near relative, and from the right hon. Baronet and other Members opposite.

Sir *R. Peel* said that his recollection of the motion of the hon. Member last year, with respect to certain electors of Ipswich, was not in conformity with the description just given by him. [Mr. T. Duncombe had moved for leave to bring in a bill to disfranchise them.] But the gallant Officer's proposition was that the parties should be prosecuted. The course of proceeding, therefore, was essentially different. He recollected when a proposition was made for the prosecution of those who had been reported to the House of having been guilty of bribery at the Southampton election, the hon. Member objected to the motion, and designated it as a paltry proceeding. The suggestion of his gallant Friend was a fair question for consideration ; and he certainly did not recollect any such motion having been made with respect to the Ipswich

Mr. *Cochrane* could not help feeling, after hearing the declaration from the noble Lord on the part of Mr. Walter, that he was in no way, either directly or indirectly, a party to the bribery, that it was a most hard case upon that Gentleman that he should not be able to stand at the next election. If it were consistent with the rules of the House, he would at once move that that Gentleman be enabled to stand.

Mr. *Hogg* said, he readily admitted that the conduct of every person who had acted in a judicial capacity ought to be open to public examination and to reprehension, if it were merited. He should have remained silent if it had not been for the observations of his hon. Friend, who spoke as if the committee had decided that one or two casual cases of bribery, originating, perhaps, in the folly of a friend or in the malice of an enemy, were sufficient to unseat a Member of that House. He would not now enter into the evidence ; but, if an occasion or necessity for entering into it occurred, he should be prepared to do so, and at the same time to state the view which he took of the law upon the subject. For himself he must say, that his vote upon the committee had been given under a deep and an awful sense of the duty imposed on him by the House and of the obligation under which he acted ; but, he must also distinctly state, that no cases of casual bribery would influence his mind as a member of a committee of that House. If he saw isolated or casual cases of bribery, however numerous, unless, indeed, they wer to such an extent as to render ignorance of them on the part of the candidate absolutely impossible, no number of such isolated cases should influence his judgment. Whether he were right or wrong in the view he took of the evidence in this case, the impression on his mind had been and still was, that the evidence showed an organised system of bribery—showed that the acts of bribery were not individual and isolated, that the actors were not casual persons springing up in one direction and another, and acting without concert, but were parts of an organised system regulated by a committee which was in communication with the subordinate agents by whom the bribery was committed, and upon that committee sat the agent of Mr. Walter. The committee stated, that acts of bribery were not brought home to Mr. Walter, and they certainly were not, but they were brought home to the committee with which Mr. Walter was identified. It had been said, that a candidate might pursue his canvass perfectly free from the possibility of imputation, and that however blameless himself he might be compromised by the acts of his committee or agent. This might be a hardship, but he believed it to be the law. in this case, the committee formed the sole instrumentality for carrying on the election, and it did not appear that Mr. Walter himself had ever canvassed. He seemed unfortunately, and perhaps unconscious of the danger, to have given himself entirely up to his committee. Whether he were right or wrong in the view he took of the evidence, that was the impression upon his mind. He should, indeed, be sorry were the House to suppose that he and the members of the committee had unseated Mr. Walter for any isolated acts of bribery, or had acted on the notion that the election might be declared void because some casual bribery had taken place. No such thing. They were fully aware, that bribery might exist, and the election be good; but here the bribery had been brought home to the committee and the agents of Mr. Walter, and he had therefore only to say, that the determination to which the committee had come was conscientious, and for himself as chairman he must add peculiarly painful.

Lord *J. Russell* was extremely glad to hear the statement of the hon. Member for Beverly. Whatever little weight might attach to his opinion, he confessed that his reading of the evidence had produced in his mind much of the impression which that hon. Member, acting as Chairman, and with full means of judging of the witnesses, and of what they stated, had just declared to be the result of his unbiassed and honest conviction. He must say that he thought it a great advantage conferred by the act of the right hon. Baronet opposite, who had acceded to his (Lord J. Russell's) amendment, that the committee, composed most probably of persons whose pursuits did not adapt them for the consideration of legal subjects, should have acting with them a Gentleman like the hon. Member for Beverly, whose knowledge and pursuits in the course of his life enabled him to discriminate between that which was merely loose evidence of bribery committed by indiviuals who had no connexion with the candidate or his representatives, and evidence which went to prove that an organized system of bribery had been carried on by the candidate's agents. He entertained not the least doubt that the hon. and learned Gentleman opposite, with his knowledge, his capacity, and his means of judging, had given his conscientious opinion to the committee of which he was Chairman, whether that opinion were in favour of his own political party or not. This he regarded as a great advantage, because, as he had frequently stated, former committees of that House whether composed of eleven or thirteen Gentlemen, had fallen into error not from any wish or determination to act with partiality and injustice, but because, from being unable to discriminate as to the character of the evidence or the arguments of the lawyers who spoke so ably and eloquently before them—being consequently in doubt, and unable to form a decided judgement on the question, they gave their votes according to the bias of their political sentiments. This arose, not from any determination to do wrong, but from the natural consequence of having the tribunal composed of unfit judges. He would not oppose the issue of the writ in this case, although he thought the House had acted judiciously in suspending its judgment for a time, after what had formerly taken place with respect to Nottingham. He agreed with his hon. Friend the Member for the University of Oxford, that the *onus* lay with them who opposed the issuing of the writ, and that in the absence of any grounds for opposing it that House should not prevent its being issued. He would now take the opportunity of saying a very few words respecting an impression that prevailed on a former occasion, and which was expressed last year by the hon. Member for Montrose, who stated that there was no disposition in that House, and especially in the leaders of the different parties in it, to take effectual means by law for the suppression of bribery and corruption at elections. He then declared that that impression, whether as regarded one party or the other, was totally unfounded; and he now thought that under the alterations which had been made in the law both in reference to bribery, the means of bribing, bribery without privity or agency in the first instance, and the constitution of committees, the House had shown by the manner in which its committees had discharged their duty in the Ipswich and Southampton cases last year, and in the Athlone and Nottingham cases this year,—had clearly shown that there was no indisposition on the part of the House, either by legislation, or by the application of the law when made, to discourage bribery and corruption at elections. If hereafter it should appear that elections had been carried by bribery on the part of the agents and committees of the Members he thought it would be the fault of the inhabitants of the towns where those Members were elected if no representations were made to that House by which such practices could be brought to a course of investigation. As far as concerned that House and Parliament, they had done their duty, and if those practices were resolutely denounced and brought before select committees of that House, he had no doubt that the practice of bribery would receive such a severe check as would very soon lead to its complete extinction. They were told that those persons who committed bribery at Nottingham had not been authorised by the late Member for that borough; but when those persons saw that the consequence of their conduct would be to unseat the candidate whom they wished to see chosen, to destroy his chance of being fairly elected, depend upon it, they would not indulge again in similar practices. Then it was said, that persons having no connection with a candidate might unseat him by acts of bribery intended to be brought against him, and that, consequently, no candidate was safe from such acts committed by strangers. He totally disbelieved that a committee would unseat a Member on such grounds, and he saw no proof of it in the present or any other instance. He conceived, therefore, that they might be satisfied with the existing state of the law, and if that law were resolutely put in force, it would be seen that they were willing to discourage bribery, and thus remove that great stain from the present system of representation.

Mr. *Bernal* must take leave respectfully to differ from his noble Friend. What had fallen from the hon. Member for Beverley had given him, and he believed a great many other hon. Members, a very different idea of the case before the House from that which they had previously entertained. He was sure his hon. and learned Friend (Mr. Hogg) would excuse him for saying, that if such as his hon. Friend stated that evening had been his impression, it was his hon. Friend's duty to have furnished a special report to the House. But this was the inconvenience of the manner in which decisions were come to up-stairs—this was the vice of the system,—that there never had been, and never would be a contested election followed by a select committee, in which what occurred above-stairs would not find its way below, and be discussed over and over again without giving any satisfaction either in or out of the House. If such had been the impression of the majority of the Nottingham committee, it did surprise him that a special report had not been presented to the House. If, as had been stated by the chairman of the committee, a regularly organised system of bribery had prevailed to a great extent, he would ask whether it was with Mr. Walter's knowledge or not, if that was a system which ought to be endured, or for which no remedy was to be proposed? He maintained it was a case, looking to the statement of the chairman, which ought to have been specially reported. He thought that the noble Lord opposite had acted perfectly right in moving the suspension of the writ; but, as no special report had been made, he believed they could not, under the act, now move for a new committee to investigate this organised system of bribery. This question brought to his mind circumstances and views of great importance—he meant in reference to Mr. Walter's not being able to stand again for Nottingham. The fleeting reminiscences of law which he still retained rather confused him, but he remembered the *vexata questio* of whether a person in that situation could offer himself again as a candidate; and he would ask the right hon. Baronet opposite, as a framer of the law, what could possibly be meant by saying that the committee were bound to report whether the bribery or corruption had been committed with or without the knowledge or privity of the candidate? What was the use of those words? Why encumber the law with such a ridiculous surplusage as that, if, when told that the bribery and corruption had been committed without the knowledge or privity of the candidate, there was no earthly difference in the result? He confessed that those words did appear to him to furnish some ground for supposing that in law it was not quite clear that the same party might not offer himself again as a candidate. He remembered his having been on an election committee, out of which some circumstances grew which induced one of the parties to consult several lawyers on the subject, but he did not obtain from them an unanimous opinion. It was not plain to him that the law was a useful one on the subject, and he did not see why, in 1843, with their professed regard for clearness of legal principles, and for greater lucidity when they came to bring those principles into action—he did not see why they should not pass a declaratory act or law, instead of keeping that mysterious sentence in the act, by which a committee up-stairs was to go through the ridiculous form of stating whether bribery had been committed with or without the consent of the party, the result being the same in either case. He could not agree with his noble Friend in what he had stated. He did not think they could look forward to such a pure election millenium as his noble Friend anticipated; that persons would become so purified in heart and mind as to abstain in future from all acts of bribery. On the contrary, he thought they would continue to find on these occasions either injudicious friends or judicious enemies, resorting to these practices for their own sinister purposes, and that by such means, Members of that House would very frequently be deprived of their seats unjustly, improperly, and unfairly.

Mr. *Disraeli* was understood to ask, when the debates on this subject were to terminate? He had hoped that the conscientious decision come to up-stairs after several days' labour would have been sufficiently satisfactory. After what had fallen from the hon. and learned Member for Beverley and others, he must say that he was not at all ashamed of the opinion he had arrived at as a Member of the committee; and he was certainly astonished to hear from that hon. and learned Member that there had prevailed at the last election for Nottingham a very extensive and organised system of bribery; for he remembered that after several ineffectual attempts to arrive at a conclusion, and when at length, it was settled that they were to represent that the seat was vacant, and to prepare and introduce into their report a list of those who were guilty of corrupt practices he prayed the chairman to put in the largest sums or the report would appear ridiculous. It seemed that 5*l.* was the largest sum, but then it was only promised, the party bribed having actually received but 10*s.* Now, not only were the sums ridiculously small, but the corruption, such as it was, had been carried on by persons who had never been brought to light at all. Nothing beyond constructive agency had been shown; and he was therefore surprised to hear that the agency had been organised and wide-spread. He would not address himself to the point of law which had been raised, but he hoped that the Gentleman who had left them would have the opportunity of again appearing before the constituency of Nottingham, to solicit their unbiassed and unbought votes. In arriving at the conclusion which he had done upstairs, he was influenced in that decision by conscientious feelings, and by the objection which they all entertained to the extensive corruption which had heretofore shown itself at Nottingham in very extensive ramifications. The result which he had arrived at, after seven or eight days' laborious investigation was, that that corruption had almost entirely disappeared; and that at the last election, it was of a most doubtful and unauthentic character, and such as must necessarily have led any one to feel that a great change had been effected in the town, and that the constituency had never before deported themselves in a manner which entitled them to so much respect.

Sir *G. Grey* said, that as to the eligibility of Mr. Walter to sit again, one hon. Member had treated the question as if it were a new one; while the hon. Member opposite thought he might make a motion to set aside the statute. The question was decided last session. A similar report was made in the case of Newcastle-under-Lyme, when Mr. Harris was unseated. A doubt being suggested on the subject, he understood that Mr. Harris took a legal opinion, but what it was he did not know. Mr. Harris, however, went down again as a candidate, thinking that the clause in the act would release him from his ineligibility, on the ground of having been unseated. He obtained a majority at the election, and a public notice was given of his ineligibility. He was unseated again, and the hon. Member (Mr. Colquhoun) now sat for Newcastle-under-Lyme, not by the voice of the majority, but by virtue of the decision, that the statutory enactment was not touched by the subsequent clause, that that clause did not vary with the terms of the original act, that a Member reported by a committee to be guilty of bribery and treating by his agents, should not be eligible to stand again. It was for the House to say, whether it would direct the Attorney-general to prosecute, or whether some measures ought not to be taken against the guilty parties.

Mr. *Hogg* in explanation said, that he had spoken of an organized system of bribery, as leaning upon the question of agency. Under the act, the election committee was bound to report to the House, whether or not the sitting Member was aware of the bribery practised; and they were also bound to report to the House the names of the parties bribed. In the present instance the committee only reported the names of the parties who had appeared before the committee, and had spoken on their oaths to receiving these bribes; and though many others were implicated, yet the committee thought, that before they reported the names of persons to the House, those persons should have an opportunity of rebutting whatever charges might be made against them.

Mr. *S. Wortley* said, the more clear the point of law in this case was, the greater was the injustice towards the candidate. The fact was, this penalty, to which the candidate was liable (disqualification to sit for a particular place), was adapted to a state of the law which no longer existed in reference to a case like the present. He was not sorry that the discussion on the issuing of the writ for Nottingham had given rise to an expression of opinion on the operation of the law on this point, for no greater injustice could be inflicted on parties than that which had been inflicted on the late Member for Nottingham under the operation of the law by which he had been disqualified. Under the previously existing law, it was necessary, in order to unseat a Member for bribery after a contested election, that the bribery should be first brought home by distinct proof of agency. So long as that proof was required, it was just, and fair, and expedient that this part of the penalty of bribery should attach to the sitting Member, and that he should not only be unseated, out of a regard for the rights of the electors, but should also suffer a penalty. But the law was now altered. They might now unseat a Member without bringing bribery home by previous proof of agency, and without fixing on the sitting Member the stain of the bribery committed. After making this alteration in the law, whether necessary or not, which rendered the proof of bribery infinitely easier, they should, at the same time, have taken care to effect an alteration also in that part of the law which attached to the sitting Member the penalty he alluded to. The hon. Gentleman, the Chairman of the Nottingham Election Committee said, the bribery at Nottingham brought before the committee was part of an organised system, but he had not gone so far as to say that he attached any participation in that bribery to the late sitting Member. If that were the case, the view which the hon. Member took of the last election at Nottingham, ought to have induced him to have proposed to the committee to make a report to this House (in order that the House might be enabled to take further steps with respect to the offending part of the constituency. But the offence at Nottingham had not been committed with the participation of Mr. Walter, and he said, with respect to Mr. Walter, or any other Gentleman similarly situated, that it was the height of injustice (though, in order to secure the rights of the electors, he might be removed from his seat *pro hâc vice),* that he should be debarred from the opportunity of being returned to the House as the representative of Nottingham. He made these remarks because he had a strong feeling on the operation of this law, and he conceived, that in the present case as well as in other previous cases, injustice had been done, and he thought, that the House, when it proceeded to legislate in such a manner as to prevent the offence of bribery by stringent provisions, ought to have taken a fair survey of the whole state of the law, and ought so to have arranged it, that injustice might not be done in the case of individuals. If these alterations in the law only rendered parties liable to penalty, who were themselves conscious of the commission of bribery, he should have no objection to such a result, but the House should bear in mind, that if in establishing facilities for the detection of bribery they did not protect innocent persons, they might make a contested election so dangerous, that no man would expose himself to the chance of a contest; at the same time, it would place parties in the power of their adversaries, and the result most probably would be some evasion of the law by the combination of the different parties at an election, rendering it difficult to put any possible check on bribery. These were points which Gentlemen legislating on the subject would do well to consider, and he could not help thinking the honest zeal, expressed by persons of all parties, to take steps effectually to suppress corrupt practices, might sometimes make them strain after an impossible execution of the law, and thereby indirectly assist in increasing those practices which they wished to extirpate.

Mr. *E. Ellice,* as one of those who last week voted in favour of the issue of the writ, could not allow the present discussion to terminate, without saying a few words in reference to that vote. He had no hesitation in saying, that if he had heard on that occasion but one half of what he had heard that night, he should not have thought it consistent with his duty to support the issue of that writ at that time; but he voted as he had done, on the sanction, as he regarded it, of the committee's report, because he considered it would be useless for the House to appoint committees, unless they were prepared, when those committees presented their reports, to show that they had confidence in the decisions to which such committees had come. They, at that time, had it, not only on the authority of the report, but on that of every Member of the committee who addressed the House on that occasion, that there had been no regular system of bribery, which was deserving of a special report. It was stated, as he understood it at the time, that they had only arrived at certain isolated cases of bribery, sufficient, under the present law, to overturn the election, but not presenting such an organized system as to warrant a special report. He had been more surprised than he could well describe at hearing that night from the hon. and learned Chairman of the committee, that there had been proved to the committee to have been in Nottingham an organized committee, in which sat Mr. Walter's two acknowledged agents, carrying on the election on the behalf of Mr. Walter, and committing acts of bribery in promotion of Mr. Walter's election; and that, in fact, there was shown to have been an extensive system of bribery proceeding directly from this organized committee, in which Mr. Walter's two acknowledged agents constantly sat and acted; Mr. Walter, it was true, not interfering or participating personally in these acts of bribery. He must repeat, that if he had, on the former occasion, heard but half as much as he had heard that night, he should have voted against the issue of the writ, at all events, until the evidence was printed; and even now, he should vote for issuing the writ with considerable reluctance, because it appeared to him that, considering the facts which had come out respecting the constituency of Nottingham in this and former elections, there was ample ground for instituting a strict inquiry into the whole state of things in connection with the elective franchise in that borough.

Colonel *Sibthorp* said, that on the principle which it seemed was now to be acted upon, a gentleman would not be able to give an unfortunate creature whom he found on a bed of sickness, surrounded by a starving family, 5*s.* to relieve him from the pressure of want, if it should happen to be at or near election time, lest the feeling of benevolence should be wrested by political opponents into an act of corruption, and be condemned for the act, as for an act of bribery, to lose his seat, and be disqualified to sit in that Parliament.

Lord *J. Manners* moved, that the debate be adjourned till to-morrow, in order to give an opportunity to the hon. Member for Bridport to introduce his proposed motion for leave to bring in a bill to enable Mr. Walter to sit again, if elected, in the present Parliament.

Mr. *Hume,* after what had taken place that night, after the statement which had been made by the hon. and learned Chairman of the committee, was not indisposed to think that it would be better to adjourn till to-morrow, in order to give the House time to reflect upon what they had heard.

Mr. *Muntz* said, he had voted on the former occasion to suspend the writ, and he had done so under a strong feeling of suspicion that the facts were, as they now turned out to be, and that suspicion he conceived from what fell from the hon. and learned Member for Beverley himself. That hon. and learned Gentleman on that occasion, after stating the twenty-seven cases of bribery which were proved, added that these were not the only cases of bribery; that the bribery, in point of fact, had been much more extensive. There was one argument thrown out that night by the hon. Member for Shrewsbury, of a rather extraordinary description; the hon. Gentleman appeared to consider that the smallness of a bribe was an excuse for the bribee, but it seemed to him (Mr. Muntz) that it was, on the contrary, an aggravation of the crime. Surely, a man was much less excusable, if there were any degree of excuse in the matter, who suffered himself to be bribed by 10*s*., than he who had 10*l*. given him as a consideration. It had been said in the course of the debate, that these things might be expected not to occur again in Nottingham or elsewhere; but it seemed to him that such an expectation would be most groundless. How, indeed, could they imagine, it would be otherwise? When bribery was clearly proved what steps did the House take? He was aware of no prosecution, or intended prosecution, on the part of the Government for past offences—of no disfranchisement, or intended disfranchisement, of even the most notoriously corrupt constituency. After all that now and on formes occasions had been distinctly proved against Nottingham—quite sufficient, in all conscience, to warrant the disfranchisement of that borough—no approach to such a well-merited punishment was made. What were the public, then, to think? They would think, as they in point of fact did think, that neither party in the House had really any wish to put an end to bribery; for they considered, that if there were in the House any genuine and general desire to destroy this abomination, it could easily be destroyed.

Mr. *Cochrane* begged to state, after what had been proposed by his noble Friend, that it was his intention to move to-morrow for leave to bring in a bill to enable Mr. Walter to stand again for Nottingham or elsewhere in the present Parliament.

Mr. *V. Stuart*, as a Member of the committee, would maintain that no sufficient bribery had been proved to warrant the committee in taking the step which several hon. Gentlemen so strongly insisted upon. He should like to ask hon. Gentlemen, who were so loud in their complaint that no special report had been made, whether they had read the evidence. The hon. and learned Gentleman said, there had been shown to be an organized system. What was meant by this expression? He would admit, in connection with the other Members of the committee, that it had been shown there was a committee appointed, acting for Mr. Walter, and that in that committee there were persons holding the situation of agents for Mr. Walter. But he would ask hon. Gentlemen would they disfranchise a constituency, because in it an agent, two agents, any number of agents, had gone down among them, and endeavoured to bribe, and had actually bribed a certain number of electors? In the case of Nottingham, there had been very likely bribery to the full extent which was deemed necessary by the parties committing it; but this was no reason why a whole constituency should be disfranchised. The committee, as they stated, knew that there had been bribery, but there was no sort of evidence before them that it had been so extensive as to make it right to deprive the town of the right of returning another Member to that House. He considered it very hard that the committee should be attacked in this manner.

Colonel *Wyndham* said, he was a new Member, and therefore not very well acquainted with the mode of proceeding in the House; but it seemed to him that the case now before them was clear enough. There was an election complained of—a committee appointed to inquire into the complaint—a report of the committee that bribery and corruption had taken place—the Member complained of unseated and disfranchised; and what else was wanted. Why should they impugn the committee, and their report in this way? If they were not satisfied with committees up stairs, let them inquire into these matters themselves, in committees of the whole House. As it was, he should oppose any adjournment.

Sir *R. H. Inglis* should also oppose an adjournment of the debate. Until the speech of his hon. and learned Friend the Member for Beverley, there was not a question in the mind of any one hon. Gentleman as to the issuing of the writ; and with reference to the hon. and learned Gentleman, he must observe, with all respect to him, that he spoke on this occasion as an individual Member merely, and no longer as chairman of the committee. What his hon. and learned Friend might, while at thehead of the committee, have prevailed upon them to recommend to the House was another question. It did not, however, appear that the hon. and learned Gentleman had even then proposed any resolution as to disfranchisement of the borough, or even as to delaying the issue of the writ; and this was clear, that even if the hon. and learned Member had, of the three other Members of the committee who had addressed the House on the subject, not one of them had concurred with their late chairman. If, indeed, the committee had declared, in the words of the hon. and learned Gentleman, that an organised and extensive system of bribery had prevailed throughout the whole town of Nottingham, he could then have understood the suspension of the writ, and even the disfranchisement of the borough itself; but no such statement had been made by the committee—no such recommendation had been given; and as to what had been said that evening, the hon. and learned Member for Beverley came forward only with the same authority as any other individual Member of the House, and could no longer be held to represent the mind of the committee. He objected to the adjournment of debates as a general principle, but more especially he should object to the adjournment of that debate, unless absolute cause were shown against the issuing of a writ. In the present case, before the speech of the hon. and learned Gentleman, at all events, not a single voice would have been raised to dissent from the issue of the writ. Certainly no such intimation had been made, and he therefore hoped the hon. Member for Montrose would not withdraw his motion; but whether or no, he would not concur in that withdrawal. Let the question be decided now; they had been more than two hours discussing it, and the evidence before the House was quite sufficient to enable hon. Gentlemen to collect a general conclusion from it. That conclusion to his mind clearly was, thst there had been no such general and systematic organization of bribery in the borough as to justify the House in taking any ulterior measures; and if they were not going to adopt ulterior measures, there was obviously no other rational course for them than to proceed to issue the writ. The majority of the late Member for Nottingham was eighty-four, while the utmost extent of those votes which were shown to have been affected by bribery was twenty-seven. The House, therefore, would best do its duty to the country by issuing the writ forthwith.

Sir *T. Wilde* said, that all that had passed this evening had made a different impression on his mind from that which it appeared to have produced on the minds of other hon. Members. It occurred to him that the statement which had been made by the hon. and learned chairman of the committee by no means led to the conclusion at which some hon. Members had arrived,—namely, the propriety of adjourning the debate. As he had understood the hon. and learned Member, he had given pertinent and cogent reasons to justify the conclusion to which the committee had come, but not in the least to the conclusion that Nottingham ought to be disfranchised, or the debate adjourned. The question has arisen, as he had understood the hon. and learned Member, as to whether the cases of bribery were isolated instances—not cases brought into such connexion wlth the sitting Member or his agents, as ought to affect his seat? In explanation of this, the hon. and learned Member said it appeared to him, that there had not been that extensive, organized system of bribery, which called upon the committee to make a special report, but that the bribery which had been practised was the result of a system organized for extensive bribery by a committee upon which the agents for the sitting Member sat. That was a just conclusion to this extent—that there was no ground for supposing that the Member had been unseated for casual bribery practised by persons who had charge of the conduct of the election for the sitting Member. In other words, that in connexion with those selected by the sitting Member, those to whom he had deputed the charge of conducting the election, a system of bribery had been brought home, and then said the committee, "We cannot permit the hon. Member to retain the benefit of the bribery adopted by the agents appointed by him." If an hon. Member could retain his seat under such circumstances, an extensive license would be given to bribery, because a variety of modes might be adopted by which the agency might be difficult of proof. But on the second question he must observe, that Parliament ought only to disfranchise a place for bribery—not where a committee had arranged a system by which they proposed to act extensively—but where the inhabitants of the place were parties to that organization. If it were the fault of the inhabitants, then the Legislature ought to punish them by disfranchisement; but here it was the fault of the agents of the Member, appointed and sanctioned by his authority, and acting by means of that committee. He therefore repeated, that the conclusion was just, so far as to unseat the sitting Member, but unjust if applied to affect the right of the inhabitants to return Members to represent them in Parliament. If, therefore, he had understood the hon. and learned Member for Beverley correctly, there existed no necessity for an adjournment of the present debate. With respect to the object of the adjournment being for the purpose of moving for leave to bring in a bill to enable Mr. Walter to stand again for the town of Nottingham, that motion could be made just as well after the writ was issued as before. Therefore there was no occasion for the consideration at present of any other question but this—did it appear by the report of the election committee that such a number of the inhabitants of Nottingham had been parties to the bribery as to lay a fair ground for its disfranchisement? Now, he believed all were agreed that there was not such a number as laid a fair ground for that course, and, therefore, it would be unjust and unconstitutional to withhold the writ.

Mr. *Cripps* expressed a hope that the writ would be allowed to issue. He had voted on the last occasion against the writ being issued, because he wished to read the evidence. He had done so, and he was sure nobody who had read it could vote for the further suspension of the writ. He could not agree with the hon. Member for Birmingham (Mr. Muntz) in thinking, that the insignificance of the amount of the bribe increased the guilt of the parties implicated, because, if so, the old lines became applicable :—

> " My wound is great, because it is so small;
> " Then it were greater were it none at all."

Mr. *Aglionby* said, that on the former night he had seconded the motion for the issuing of the writ, in opposition to the motion of the noble Lord opposite (the Earl of Lincoln), and he had done so because he then thought no sufficient ground had been laid for the suspension of the privilege of sending Members to Parliament by the town of Nottingham; but had he then heard as strong a statement as that which had been made to-night by the hon. and learned Chairman, he should have joined with those who thought the writ ought to be suspended until the evidence taken by the committee was laid before the House. That day, however, was now passed, and the question was now, whether the writ should not be suspended for one day more? Now, he did not think the proposition which had been announced by the hon. Member for Bridport—namely, to move for leave to bring in a bill to enable Mr. Walter to stand again for Nottingham, afforded a sufficient ground for adjournment, because he did not suppose the House would give its sanction to such a bill—which would be an *ex post facto* law, setting aside the decision of the committee, and setting aside the law the committee had administered. If he thought such a measure would be likely at all to be entertained, it might weigh as a reason with him for consenting to adjourn the debate; but then he must say, that the hon. Member who had expressed his intention to move for the introduction of such a bill, ought to have given notice to that effect, so that hon. Members might have been prepared, when they came down to-day, to meet it. On the other point, he did not think the debate ought to be adjourned unless some hon. Member, on the strength of the statement made by the hon. and learned Gentleman opposite (Mr. Hogg), or on the evidence which had been laid on the Table, stated that he had come to the conclusion, that ulterior proceedings ought to be adopted, and the borough disfranchised. If any hon. Member gave notice of such a motion for to-morrow, he should be inclined to agree to the adjournment of the debate. As, however, no hon. Member had given notice of such an intention, and as he did not see the proposition of the hon. Member for Bridport could be effectual or carried out, he confessed that he wished no further suspension of the right of the large and populous borough of Nottingham, to be fully represented in the House.

Sir *R. Peel* had come down to the House, after giving as much consideration as he was able to the report of the committee, and to the evidence taken before it, prepared to give his vote in favour of the motion for issuing the writ, and he confessed, that he had not heard anything in the course of the present debate, which induced him to withdraw from that intention. Considering the extent of the constituency of Nottingham—considering also the extent to which it appeared bribery had prevailed at the last election—considering also the speech of his hon. and learned Friend who had acted as chairman of the committee, he did not think there were sufficient grounds laid, for the House to suspend for any longer period the issue of the writ. The town of Nottingham comprised 60,000 inhabitants, and had 6,000 electors, and although it appeared, that acts of bribery had been brought home to somewhere about twenty-seven individuals, as reported by the committee, still he could not think that any further investigation would lead to the disfranchisement of the borough, or to any material alteration in the constitution of its constituency; and believing that the *onus* of proof for continuing the suspension of the writ, lay upon those who moved its suspension, he was induced not to withhold the issuing of the writ on the ground that an organized system of bribery had generally prevailed. Then came the question, should he consent to withhold the writ, in order that the late Member might be enabled, by the passing of an act of Parliament, to stand again? Now, he did not think that at all a legitimate reason for suspending the issue of the writ. There were two grounds on which the suspension of the writ had been urged—one by the hon. Member for Montrose, who had moved that the writ should issue, and yet had since stated he was in favour of the amendment, and thus would vote against his own motion. The hon. Member for Montrose, though he had been seconded by his hon. Friend below him (Sir R. Inglis),—a circumstance which raised the presumption, that party feeling did not operate on this occasion—had since cast off his hon. Friend as though the hon. Member were ashamed of his seconder. One ground urged for the suspension of the writ was the suspicion of an extensive and organised system of bribery. On that suspicion he did not think the House would be warranted in suspending the writ. What then was the House to do? It had not been recommended to the House by the committee, or in the speech of his hon. and learned Friend (Mr. Hogg) who had very unnecessarily entered upon a vindication of his own character. The character of his hon. and learned Friend stood too high to require that vindication. Few Members of that House possessed greater intellectual powers, and not one had a higher character. He could assure his hon. Friend, that of his conduct no vindication whatever was necessary. But the committee had not, in point of fact, recommended to the House either the suspension of the writ, or any further proceedings; and it appeared that many other hon. Members had read the evidence which had been laid upon the Table of the House, and the conclusion to which they had come was, that the evidence presented no sufficient grounds for the disfranchisement of the town of Nottingham. With respect then, to the remaining point—namely, the suspension of the writ until the late Member was enabled by a law to be passed to offer himself again to the constituency of Nottingham, he was of opinion that this did not present sufficient or satisfactory grounds for that purpose. He did not think that sufficient grounds could be laid, even for the introduction of such a bill. Hon. Members laboured under a great mistake with regard to the law passed last session; and when the hon. Gentleman opposite (Mr. Bernal) appealed to him, and asked him how he could reconcile to himself such enactments, he begged to say that he was not the author of the bill—it was the bill of the noble Lord the Member for the city of London, and which it had become his (Sir R. Peel's) duty to carry through. But what had been the old system, and the old law with reference to this point? Why, that any man who by himself, or by agents acting in his behalf, should be guilty of bribery, was incapacitated from sitting during that Parliament for that place. Such was the law laid down by the Act of George 2nd, and extended by the 29th of George 3rd; and the principle of the ancient law was, that bribery by himself or his agents incapacitated a man from sitting for the place in which that bribery had been practised, for the then existing Parliament. And what had been the report of this last Nottingham Election Committee? The committee reported,

> "That John Walter, Esq., was, through his agents, guilty of bribery and treating at the last election for the borough of Nottingham."

That was the report of the committee, and the statutes of George 2nd and of George 3rd provided that he, who by himself or by his agents, was guilty of bribery, should be incapacitated from sitting for that place in the same Parliament. In short, the Member returned was subjected to that penalty on account of the acts of his agents. Now he (Sir R. Peel) did not hesitate in stating his firm belief, that Mr. Walter was not cognizant of the acts of those who proved to be his agents—he believed these acts had been as much a matter of surprise to Mr. Walter as they were to any hon. Member of the House; but it was important to hold out to these local committees, that the fact of their bribing will peril the seat of the candidate on whose behalf they have recourse to such practices; and that though it might be quite true their candidate was wholly unconscious of the acts of those who had charge of the election for him, yet he believed the Legislature would never effectually prevent bribery, unless it was made known to these local committees that the consequences of their illegal acts would extend further than themselves, and that their candidate must bear the penalties. That was the old law;

Mr. Walter was not labouring under any peculiar hardships in consequence of the new statute; and therefore there was no ground for a special act to enable Mr. Walter again to present himself as a candidate at Nottingham. On the double ground that no sufficient reasons had been offered for the disfranchisement of Nottingham, and that it would not be consistent with the principle of ancient law to pass a bill in favour of the particular individual affected in this instance, he must resist the proposition for the adjournment of this debate.

Mr. *Hume*, in explanation said, he had consented to the adjournment, under the expectation that further proceedings would be taken.

Mr. *Hogg*, in explanation, said, that the hon. Baronet (the Member for the University of Oxford had stated, he had been influenced in the vote he had given by the strong statement of the chairman of the committee, that an organized system of bribery had pervaded the whole of Nottingham at the last election. He (Mr. Hogg) begged to say most distinctly, that he had made no such statement. His hon. Friend (Colonel Wood) had spoken of a few isolated cases of bribery proceeding from persons who were unconnected with the candidate; and who had acted indiscreetly as friends or maliciously as enemies. He believed that no committee ever did or ever would visit the candidate with disqualification for the acts of such persons. If an attempt were made to prove such acts, the character of the transaction and of the individuals engaged in it would be manifest; and nothing could be more easy than for the candidate to show who the parties were he had entrusted with the charge of conducting his election. But the present debate had proceeded as if no candidate could be unseated unless he were personally cognizant of the bribery practised on his behalf. In the argument before the Committee the counsel for the sitting Member urged most ably the bill brought in by the noble Lord the Member for the city of London, as a proof of the necessity to bring home the bribery to the knowledge of the individual, and he had attempted, from the construction of that statute, to draw an inference that the law intended that the candidate must be cognizant of the acts. But he had put this question to the learned counsel,' "Does your argument go to the extent that no Member can be unseated unless bribery was personally brought home to him." Mr. Austen's reply was, that he could scarcely push his argument to that extent. He had always understood the law to be, that a candidate, as regarded his right to sit, was responsible for acts of bribery committed by his agents, although not criminally liable to the penalties. The whole question and the whole difficulty was the agency, which must nearly in every case be constructed and be proved by circumstantial evidence. And why had he used the expression "organized system of bribery?" To show the manner in which the committee had arrived at the constructive agency, and when he had used that expression he accompanied it with this statement, that the corruption at Nottingham was not to that extent, or of that character, which justified the committee in reporting it specially, for he had added that he believed a committee would defeat the object of the House and of the law as embodied in the recent acts if they obtruded by special reports upon the attention of the House in cases which were not of special enormity. With reference to the paucity of the cases of bribery reported—having listened to all the speeches, he must say, that he thought no hon. Member who had described the bribery as insignificant and casual could have read the evidence which had been laid upon the Table. Suppose that only three or four cases out of fifty or sixty had been reported. If hon. Members had read the evidence, they would find that after the election large bodies had met simultaneously in some court or yard, from which they went, one by one, to a certain room where they were paid. The committee could not report these cases, because the names of the parties could not be given. With this evidence before them, it was too much to say that the committee had acted upon two or three trumpery cases. With respect to agency, it was proved that one gentleman in the undertaking given by him to pay the expenses of the hustings, had signed himself as "the agent of Mr. Walter," and by his directions another gentleman, paid the legal expenses to the returning officer. Both these gentlemen had been proved to have sat on the committee by which the election was conducted. An hon. Member had asked what was the character of the witnesses who had been examined? When they come to prove cases of such a description did they look to obtain the best description of evidence? Why, what kind of witnesses could they have? They could only have witnesses of a character corresponding to the transaction; they could never have honourable men connected with such transactions. He did not wish to be misunderstood or to have it said that he had misled the House. He had made his statement only to show the manner in which constructive agency had been proved. Mr. Walter had, as he had already stated, committed himself entirely to the committee, and on that committee sat the two gentlemen he had mentioned, and by them the clerks were paid and the other arrangements for the election made. These who gave the bribes appeared to act in communication with the committee; and it was proved that one gentleman, who had throughout sat in a room adjoining the committee, had paid 30*l.* to the individual who bribed in one ward, and had told him that no account of the expenditure was necessary. But he would not advert to the evidence. His sole object in rising was, to explain to the House the purpose for which he used the expression adverted to by the hon. Member for the University of Oxford, and so strangely misunderstood by him.

Mr. *Bernal* said, he could understand the law maxim—"*qui facit per alium, facit per se,*" but that was not now the question. Why did the House appoint a committee to inquire and make a return to the House whether the bribery had been committed with the privity and concurrence of the party who was charged? He remembered well the statute of George 2nd, and he knew well that Mr. Harris had been unseated for Newcastle-under-Lyme, because he had been reported to the House by a committee to have committed bribery by his agents at a former election, whilst another subsequent committee had decided that a member might start again under such circumstances. One committee might, it appeared, reverse the decision come to by another committee the week before. If it were laid down that a man, without having any knowledge of any bribery, had committed an act of bribery *per alium,* it was perfectly clear that he could not in law offer himself again for the borough, and if so the inquiry as to his "privity and concurrence" were words which ought no longer to remain on the statute-book. They were a deception.

Mr. *Macleam* hoped the hon. Member for Newark would withdraw his amendment for the adjournment of the debate. From what had fallen from various Members of the House in the course of the debate, it was perfectly clear that the state of the law with regard to agency was in a very anomalous and dangerous state with regard to the Members of the House. The impunity which seemed to exist for all persons mixed up with bribery, except the sitting Member, was a state of things which was perilous to the seat of every Member who might be hereafter returned. He thought such a state of things ought not to be continued. If he found that no other hon. Member of greater weight in the House called the attention of the House of Commons to the peculiar position of candidates starting for elections under the present law of agency, he should feel it his duty, after the Easter recess, to draw the attention of the House to this subject.

Mr. *Strutt* said, hon. Members complained of the anomalous state of the law. There appeared to him to be no anomaly whatever in the law. The law said, so far as holding their seats went, Members should be responsible for the acts of their agents; if a Member chose to employ agents, he must be liable for their acts. But the law went further, and said that a man should not be criminally liable unless he were personally concerned in these acts of bribery. The law said if a Member were guilty of bribery by his agents he should not take his seat, and the committee were to report whether he was personally guilty of bribery himself, because then it would be in the power of the House to direct the Attorney-general to institute a criminal prosecution against him for having done an act for which he was liable to the criminal law of the country. He thought it right to state this, as he could not understand the anomaly complained of.

Mr. *Botfield* believed that the general impression on the mind of the committee was, that no case of delinquency had been proved against the borough of Nottingham sufficient to justify the suspending of the writ, even for a single hour, but he felt that the request for delay to allow time for the evidence to be printed was reasonable, and he moreover was unwilling by a vote on that occasion to express his opinion upon the evidence before the House had had the opportunity of forming its opinion from reading the evidence. Then as to the question of agency, he was reluctantly compelled to differ from the able and learned chairman (Mr. Hogg), for after carefully attending to the evidence, he had arrived at the conclusion that the proof of agency was not, to his mind at least, satisfactorily established. At all events, hardly as the disqualification, which was the necessary consequence of the committees decision, might press on Mr. Walter, he could not consider that as a sufficient justification, or as any reason for withholding any longer from a constituency so numerous, so wealthy, and so respectable as that of Nottingham, their undoubted privilege of returning a Member to this House. He trusted the noble Lord (Lord John Manners) would withdraw his motion (for adjournment).

Lord *J. Manners*, with the permission of the House, withdrew his amendment.

Original motion agreed to.

Writ ordered to be issued.

ALLOTMENT OF WASTE LANDS.] Mr. *Ferrand* rose, pursuant to notice, "to move for leave to bring in a bill for the allotment of waste lands." He said, in the middle of the second Session of the present Parliament, the middle classes, and more especially the working classes, looked to the First Lord of the Treasury for measures which would conduce to their comfort and permanent happiness. It was perfectly true that the measures which the right hon. Baronet had brought forward last Session had conduced to the comforts of the working classes; but this benefit had been short-lived. The working classes had scarcely tasted the cup of sweetness which the right hon. Baronet had granted them than it was dashed from their lips by an universal reduction of wages throughout the country, far beyond the reductions which had taken place in the price of food; and, instead of the working classes having been in the least benefited or relieved by the measures of the right hon. Baronet, in both the manufacturing and agricultural districts, they were suffering misery, want, and privation unparalleled in the history of England. He asked the right hon. Baronet now whether he had any remedial measures to bring forward for the purpose of raising this oppressed class of people out of their distress. In preparing the measure which he asked leave to introduce into the House he had been advised and assisted by some of the cleverest men of the country; and he was convinced that the measure he was about to propose would restore the working classes of the country in a great degree to their former comforts. The distress which had prevailed in the large manufacturing towns was rapidly extending to the smaller towns and into the agricultural districts. With the permission of the House he would give a slight idea of the state of the population of the town of Bingley. He remembered when it had only contained one mill, now it had ten mills; formerly it had been almost a purely agricultural district, now it was equally agricultural and manufacturing. What had been the evidence of the state of Keighley given before the committee which sat on the Keighley Union? [Sir *C. Napier*: The Keighley Union again.] He hoped the hon. and gallant Member for Marylebone would not interrupt him by personal remarks addressed across the House. He had been informed by the medical officer of that town, that in cottages of four rooms each as many as twenty-five people were living, sleeping almost altogether in one room in a manner productive of the grossest immorality, whilst typhus fever raged amongst them. In this town this fever annually increased in virulence. He held in his hand a report made to her Majesty's Principal Secretary of State for the Home Department from the Poor-law commissioners on an inquiry into the sanatory condition of the labouring population of Great Britain, which was presented to Parliament by the command of her Majesty in July, 1842:—

> "Mr. Chadwick states that the annual slaughter in England and Wales, from preventable causes of typhus, which attacks persons in the vigour of life, appears to be double the amount of what was suffered by the allied armies in the battle of Waterloo. In Manchester, among the labouring classes, more than 57 out of every 100 die before they attain the age of five years. He states that when the kelp manufacture lately ceased on the western coast of Scotland, a vast population of the lowest class of people were thrown into extreme want; they suffered from cold, hunger, and despair; nevertheless, from their scattered habitations being surrounded by pure air, cases of fever did not arise among them."

The mortality and immorality of the population now crowded in the manufacturing districts, were, he could assure the House frightful in the extreme. Was there no remedy to rescue this portion of the population from their misery? Were the functions of Parliament at an end, or were they able to redress the grievances of the people? They were told to look to foreign colonisation for a remedy. Were they to send abroad to die unpitied and unheard-of, the peaceable and loyal subjects of this country, who had a right to exist in the country where they were born? What said Mr. Burn in his letters on home colonisation:—

"If the 46,000,000 acres now in cultivation are not sufficient to maintain the population, there are millions yet uncultivated that may be increased in value 5,000-fold. It appears, that there are 46,500,000 acres of land in cultivation, and nearly 31,000,000 uncultivated. 16,000,000 were reported by the Emigration Committee to be profitable lands. Nearly the whole of the waste lands in Ireland are reclaimable, 3,000,000 of which, that are equal to 5,000,000 of English acres, can be brought to produce a rental of 1*l.* per acre, at an outlay not exceeding 10*l.* per acre. Thus, in the cultivation of the land, Sheffield and Birmingham must send their spades, their pickaxes, and their draining tools; the wheelwright must find ploughs, harrows, and carts; the ironfounder must supply the plough-coulters and the axletrees; the saddler must put on the harness; Wolverhampton must supply its chains, Walsall its bits and ornaments; the carpenter must put up the gates with tools from Sheffield, and hang them with the hinges and padlocks of Staffordshire; the hedger and ditcher who encloses the ground, and the ploughman who brings it into cultivation, are clothed by Stroud, Manchester, and Leeds; their hats come from Newcastle-under-Line, their half-boots from either Northampton or Stafford; they take their breakfast out of a basin furnished by the Staffordshire Potteries; Sheffield finds the knife; Birmingham the spoon; the merchant traverses the ocean to bring their coffee and sugar; the engineer finds a coffee-mill, in which the turner furnishes a handle, &c."

What he proposed to ask the House to do was to restore the poor again to their comforts, and he proposed to do this by an allotment to them of the waste lands. He asked for an allotment of the waste lands of England to the poor as an act of justice: he asked for it in the name of the law of England—a law acknowledged by the greatest writers on the law and constitution of England for centuries. He also asked for it in furtherance of a principle acknowledged by that House. Barrington, in his work on our *Ancient Statutes*, calculated that not many centuries ago half the lands of England were held upon the degrading tenure of villeinage; and that without being abolished by statute it gradually ceased by force of long usage. If a royal forest were enclosed, the contiguous proprietors urged their claims on the ground that they had depastured upon it, and those claims were allowed. Sir A. Fitzherbert, the celebrated lawyer and judge, and one of the earliest legal authorities, in his book of surveying, thus laid down the law:—

"Every cottager sal have his portion assigned him, and then sal not the ryche man overpresse the poore man."

Sir R. Cotton, a lawyer, who wrote on the subject of enclosing, said:—

"In the carriage of this business there must be much caution to prevent commotion," (and he recommended), "that plots shall be devised to the inhabitants at and under easy values."

Lord Chancellor Bacon strenuously urged the enclosure of waste lands, with this condition,

"So that the poor commoners may have no injury by such enclosures."

A report (drawn up by Sir J. Sinclair) of a select committee of the House of Commons appointed for the purpose of considering the subject was in these words—

"If a general bill were to be passed, every possible attention to the rights of the commoners would necessarily be paid. The poor would then evidently stand a better chance of having their full share undiminished."

But was any hon. Member of that House prepared to deny that the public had a right to these waste lands? Why, what meant the Standing Order on the Table of the House?—

"That in every bill for enclosing lands, provision be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and that the committee on the bill have before them the number of acres proposed to be enclosed, as also of the population in the parishes or places in which the land to be enclosed is situate; and also do see that provision is made for the efficient fencing of the allotment, for the investment of the same in the churchwardens and overseers of the parish in which such open space is reserved, and for the efficient making and permanent maintenance of the fences by such parish; and that in any case where the information hereby required is not given, and the required provisions are not made in the bill, the committee on the same do report specially to the House the reasons for not complying with such order."

The poor man had a right to call on the House to recognise this principle. In many parts of England the poor for centuries had cut turf and peat for their consumption during winter; but he regretted to say in many parts of England, the landed proprietors had taken advantage of the poor ceasing to practise their rights for a certain number of years, and had then prohibited them from doing so for ever. It was said in an old distich—

> "Great is the crime in man or woman
> To steal a goose from off a common;
> But surely he's without excuse
> Who steals the common from the goose."

In many parts of the country the working classes, more particularly the poorer portion of them—and he spoke positively with regard to many of the handloom weavers in his own neighbourhood—had been enabled to live comfortably through the enjoyment of these rights, which of late years had thus been taken away from them. If every hon. Member in that House would declare his conscientious conviction after a due consideration of this subject, he would certainly avow himself to be in favour of the allotment system. He knew that some hon. Members, even during the present system, had declared that the system had not worked well where it had been put into practice; but he was prepared to prove quite the reverse, and that the allotment system had conferred the greatest blessings on the people wherever it had been adopted. He was sure that he should convince the House that if the allotment system of waste lands were adopted, it would prove, to a great extent, the salvation of the country; for it must be clear to all, that if something were not done for the working classes, and that speedily, the consequences would be most serious. The Government were sitting on the verge of a volcano at the present moment, which might burst forth with mischievous effect, unless precautionary measures were taken. Thousands were in want and suffering, and had borne their distress and privation with patience and humility, that had been praised by almost every Member of her Majesty's Government; but praise would not fill their empty bellies. Those poor people had waited with earnest anxiety to see what would be done for them in the present Session, which was nearly half over. ["No."] At all events, hon. Gentlemen were about to enjoy the Easter festivities; but what had they to say to the people? What had they done? There had been a great deal of talk, but not one practical measure which would give relief to the poor. The working classes laughed at the idea of foreign colonization; they would never sanction it; for it had been tried, and not a ship came home from the colonies which did not bring some disappointed wretches who had suffered more abroad than at home, and would rather die of starvation at home than be transported again to a distant colony. But, he would proceed to state some other important facts. In the parish of Long Newton, in the county of Glocester, the effects of the system were these;—

"The late Mr. Estcourt stated, that out of 196 persons there were thirty-two families, consisting of 140 persons, in the depth of extreme poverty. The poor-rates amounted to 324*l.* 13*s.* 6*d.*, in 1801. The result of the allotment system was an immediate abatement in the misery of the poor; the most gratifying improvement in their character and morals; and a progressive diminution in the poor-rates down to 135*l.* in 1829 (the last year reported). In Skiptonmoyne, an adjoining parish, the same results were experienced. In the small parish of Ashley, where the same plan was pursued by the hon. Member for Oxford, the same results followed. In the parish of Lyndon, in Rutlandshire, where the cottagers had been allowed these privileges for at least 200 years, an enclosure took place, and an allotment was reserved for the use of the poor, and to be let to the cottagers at moderate rents. The happy results of the system were described in a letter written by the Earl of Winchilsea on the 4th of January, 1796, to Sir John Sinclair, the President of the Board of Agriculture."

Lord Winchilsea in that letter said, he had made inquiries into the effect of giving small allotments of land, and that he was more and more convinced that nothing could be of greater benefit to the labourers and the landowners. The working people were enabled to better their condition, and to make their homes comfortable, and to keep a cow or a pig, and thus they became better able to do their work, were more contented in their station, and acquired a sort of independence and self-respect which prevented them from becoming burdensome to others.

The effect was beneficially felt upon the poor-rates. Lord Winchilsea also wished, that Parliament would never make an enclosure without setting aside a portion of land for the use of the poor; and he mentioned the case of one family which enjoyed the privilege during 200 years, and never did one of them receive relief from the parish. He thought that letter was sufficient to show the advantages of the system he was now advocating, proving, as the letter did, that for 200 years it had worked beneficially to the lower orders. But he held in his hand the report of a gentleman whose opinion he supposed would have great influence with the right hon. the Secretary for the Home Department. It was that of Mr. Power, respecting the county of Cambridge, as stated in the Poor-law Commissioners' report for 1834, page 103:—

"Allotment of small portions of land to labourers for the purpose of employing their leisure hours, giving them a feeling of dependence on their own exertions, and bettering their condition by increased sustenance and comforts, is beginning, much to the credit of the landowners, to be very generally adopted in this country. Of the excellent effects of this practice I am provided with testimony from many quarters. At Wells, fifty acres are now granted by the bishop of Bath and Wells to 203 persons, in quantities varying from one-twelfth to half an acre, at a rent of 12*s.* 6*d.* the quarter of an acre. Of these persons not above ten are unmarried, and many are widows. The average of each family being taken at five, upwards of 1,000 persons are thus benefitted. No stipulation is made against the receipt of parochial relief, but the result has been to the same effect, as only three of the number receive parochial relief, two of whom are infirm persons who would otherwise be in the workhouse, and the third also infirm, belongs to Bristol. Twenty-nine names were pointed out of persons who formerly had received relief, but had discontinued it since they had got land. Many Dissenters have allotments. The following is an account, on an average of six years, of the profits of a quarter of an acre:—

	£	*s.*	*d.*
Rent for a quarter of an acre ..	0	12	6
Digging	0	8	0
Manure	0	10	0
Seed	0	3	0
Planting	0	4	0
Hoeing, &c.	0	8	0
Digging and hawling	0	10	0
Supposing the man to hire and pay for everything	£2	15	6

PRODUCE.

	£	*s.*	*d.*
Twenty sacks of potatoes	4	10	0
Other vegetables	1	0	0
	£5	10	0
Less labour, &c., as above ...	2	15	6
Clear profit, supposing the man to hire and pay for everything ..	£2	14	6
If all done by the man	4	4	6

The opinion expressed by the agent was, that the man who works for a farmer for twelve hours, from six to six, with the help of his wife and family, can manage half an acre, supposing it half potatoes, keep a pig, and support his family, and that a mechanic can do more. The continued increase in the demand for allotments is the best proof of the advantage derived from them. There is a general improvement in the character of the occupiers, who are represented as becoming more industrious and diligent, and as never frequenting those pests, the beer-houses. Frequently they have been known to work by candle-light. Not a single instance has occurred in which any one thus holding land has been taken before a magistrate for any complaint."

Was not that an instance worthy of the consideration of the House? Was it not one over which they would rejoice, at a time when the working classes were so much distressed, which fact not one of any party denied, and when there was so much difficulty in keeping the peace of the country, and to prevent the scenes of last year being re-enacted? He knew that any such disturbances could and would be put down by the strong arm of the law; but would it not be more gratifying to be able to say that they had done justice to the poor, by restoring to them their rights, and placing them beyond the reach of temptation and want, and making them once more happy, and contented, and peaceable subjects. But he found, that Mr. Power gave a similar account of the working of the system at West Looe:—

"The effect upon the poor-rate has been a diminution from 10*s.* in the pound to 3*s.*, but the moral effect upon the poor is beyond calculation, the population being principally seafaring men, who in bad weather had no occupation, and who idled about a dead weight upon the poor-rate; but who have now occupation, and are happy, contented, and laborious. I went over the land and found it in excellent condition."

No doubt, many hon. Members had heard of the parish of Tring, where this allotment system was first carried into effect a few years ago, when the whole parish had become insolvent, the poor-rates had broken down under the demands upon them, and rates in aid were received from neighbouring parishes, and things were still growing worse and worse. A society in London took the matter up. A quantity of land was bought at Cholesbury, and the rector of the parish, who had acted in a most praiseworthy manner, had in a letter dated November 3, 1842, thus reported the result to the Labourers' Friend Society:—

"1. The land is still divided into allotments, varying in size from two to five, and in one instance twelve acres.—2. The land is still occupied by the original tenants, with few exceptions.—3. The population of the parish has slightly decreased. — 4. The estate has passed into private hands. (About 150 acres.) —5. The tenants are maintaining themselves, and their families exclusively by their allotments, and by the casual employment they obtain elsewhere.—6. The tenants pay their rent punctually—namely, 22s. per acre (inclusive of tithes). This is the full average rent of land in the neighbourhood.—7. With respect to the question, 'What was the rent of the land per acre previous to the Agricultural Employment Institution purchasing it?'—You probably have forgotten that, with the exception of about sixteen acres, the whole of the land in the parish at that period was abandoned on account of the excessive rates upon it. The last tenant of the estate, before it passed into the hands of the institution was R. D. The result of his agreement with his landlady is curious, and shows how valueless land in the parish then was. He rented thirty-five acres for 23*l.*, and stipulated to pay all rates up to a certain amount, whilst all above, it was agreed, were to be deducted from the rent. When settling-day came, the balance was against the land-lady; her share of the rates having absorbed the whole of the rent, and extracting from her pocket some few shillings besides. The tenant had paid rates to the amount of 46*l.* 7*s.* The contrast with the state of the parish then, with what it is now, is so remarkable that I cannot refrain from laying it before you, resulting, as it does, entirely from the allotment system. In 1832, just before the Agricultural Employment Institution took the parish in hand, it was almost exclusively a parish of paupers; since that period, it has not had an able-bodied pauper belonging to it. In 1832, the land was worse than valueless, for it was a source of loss and anxiety to the proprietors; it is now largely bought up when offered for sale, and equals, if it does not exceed, in value, adjacent land in the surrounding parishes. In 1832, the poor consumed the profits of all the land in the parish; they now maintain themselves and their families, most comfortably on only a portion of that land. In 1832, the weekly expenditure of the poor, at this period of the year, averaged 5*l.*; it now scarcely exceeds as many shillings, if the maintenance of a lunatic in an asylum be excepted. In 1832, the poor were supported by rates in and levied on other parishes; they are now themselves contributors to the rates, to the amount of above one-eighth of the whole parochial expenditure. Lastly, for these eight years, no person resident in the parish has been convicted of any offence against the laws of the country. To this contrast of the past and present state of the parish, I beg to add another of the past and present condition of one of the allotment men. I select purposely the most remarkable case, the more fully to show what the capabilities of the allotment system are to better the condition of the agricultural poor. In 1832, G. S. was almost the only labouring man belonging to the parish who was not a pauper. He was, however, all but reduced to the state of one, whilst as to the actual amount of privation, he was a greater sufferer than most of those receiving parochial relief. Having a wife and four children dependent upon him, the institution allotted him four acres. He is now the occupier of eighteen acres; he is the owner of a cow, a pig, three horses and a colt, a waggon, two carts, a plough, harrows, &c. He ploughs the land for the other tenants, and is paid either in kind or money, as best suits the parties. He finds at all times profitable employment for his team in taking up hay and straw to the London markets, and bringing back soot and other manures for the neighbouring farmers. This last spring he purchased 20*l.* worth of wood, and turned it to good account by carting it to the neighbouring towns, and disposing of it there. Of the married men who received allotments only one, an old marine, had not sufficient energy to make his land answer; he has since left the parish. The reasons he assigned for his want of success were, that 'he possessed the worst land and the worst wife of any man in the parish.'"

The same reverend gentleman had addressed a letter to him that morning, in which he confirmed all that he had stated in that passage just read, but the rev. gentleman added some words to which he wished to call the attention of the right hon. the Home Secretary:—

"I have at this time the charge of an adjoining parish, the population of which exceeds 600, three-fourths of whom are paupers. The parish has for years ingloriously earned the epithet of 'Wicked Wigginton.' The poor-rates are rapidly on the increase. There is a large unenclosed common in the parish of about 200 acres. I would guarantee, that in three years, if I were put into possession of this common, with the means of bringing it into cultivation, and of allotting it to the poor, there should not be half-a-dozen able-bodied paupers in the parish.' This may appear to be a presumptuous boast; but after what I have witnessed in Cholesbury, I feel that I am speaking guardedly in making the assertion. I cannot conclude without informing you that the conduct of the men generally, since they have held their allotments, has been such as to give me very great satisfaction. They are very punctual in their attendance at church, and we have been obliged to build a gallery in it for the accommodation of their children. All the allotment men, with their wives, and every child old enough to attend the Sunday school, are members of a clothing and fuel club; and as much as from 30*l.* to 40*l.* has annually been intrusted to my care, the fruits of their weekly savings."

Now, was it not the duty of the Government to take this subject into their most serious consideration? Here was an example of the beneficial effects of the system; in the course of eight years a community of persons was restored to industry, comfort, and morality, and from being distressed and discontented, made loyal and peaceful subjects, not one of them during that period ever having infringed the laws of their country. That was the character given to them by their pastor, who declared, that although there were in "Wicked Wigginton" 600 paupers, if he could have the 200 or 300 acres of waste land, he would soon reduce the pauperism, and raise that wretched place to the same happy state as Tring. There was another point to which he begged the attention of the House—the state of the cottages of the poor, which, in fact, did not deserve the name of cottages. They were wretched hovels, in which fevers were generated, and where that scourge of the human race—the cholera—which snatched away in an instant the highest as well as the lowest, played alarming havoc. Medical men had declared, that it was as much the interest as the duty of the rich to remove from the poor the causes of those diseases, which were increasing in malignancy every year. Mr. Higgins, chairman of the Bedford Union, had thus described the advantages which had arisen from an improved description of cottages in his vicinity, in his report to the Poor-law commissioners:—

"The man sees his wife and family more comfortable than formerly. He has a better cottage and garden. He is stimulated to industry, and as he rises in respectability of station, he becomes aware that he has a character to lose. Thus an important point is gained. Having acquired certain advantages, he is anxious to retain and improve them; he strives more to preserve his independence, and becomes a member of benefit, medical, and clothing societies: and frequently besides this, lays up a certain sum, quarterly or half-yearly, in the savings-bank. Almost always attendant upon these advantages, we find the man sending his children to be regularly instructed on a Sunday, and where possible in a day-school, and himself and family more constant in their attendance at some place of worship on the Lord's-day. A man who comes home to a poor, comfortless hovel after his day's labour, and sees all miserable around him, has his spirits more often depressed than excited by it. He feels that, to do his best he shall be miserable still, and is too apt to fly for a temporary refuge to the alehouse or beershop; but give him the means of making himself comfortable by his own industry, and I am convinced, by experience, that in many cases he will avail himself of it."

But it was not only the poor who would be benefited by such an arrangement as he proposed; the freeholders, he felt convinced, would speedily find all the advantages resulting from it. Why, let them take the case of flax. Between 25,000,000*l.* and 30,000,000*l.* a year was paid to foreigners for flax, oil-cake, linseed, &c. Societies, however, were now rapidly forming both in England and in Ireland for the prosecution of the flax cultivation. There was one of those societies at North Walsham, in Norfolk, and another at Belfast. The latter had succeeded beyond their most sanguine expectations. Mr. S. R. Mulholland, at the society's meeting in Belfast in November last, stated that the firm with which he was connected had sent no less than 40,000*l.* of ready cash annually out of the country for the purchase of flax, but that in the present year they had not spent as many pence, and he called upon the meeting "to take advantage of what God and nature had done for our soil." He had also been told, that—

"Mr. Beard, of Killalea, lately sold a parcel of flax in which there were three different qualities; the highest reached 140*l.*, the second, 133*l.*, and the third, 126*l.* per ton; and few finer samples had ever been imported into this country."

But he had still better evidence. There was no Member in the House who was not acquainted with the name and reputation of the firm of Messrs. Marshall, at Leeds, indubitably the largest flax purchasers in the kingdom. What did they say of our capabilities of producing flax? In a letter which he held in his hand they wrote as follows:—

> "As we import a considerable quantity of flax yearly from Belgium and Holland for our establishments here, we are, of course, much interested in the success of any plan for increasing the quantity grown in England. We believe both the soil and climate are suitable for the plant. At one time the flax grown in the east of Yorkshire was of as good a quality as that grown in Belgium."

But he would now proceed to state how he proposed to allot the waste lands. According to his calculation, there were in the three kingdoms no less than 75,000,000 of cultivatable acres of land in a state of waste. There were also about 46,000,000 of those lands in cultivation, and 30,000,000 uncultivated. Now, he should propose, that the land at present unappropriated, should be allotted to those who had a claim upon the different parishes. Where the lands were already allotted, he did not intend that his measure should apply. He should propose, that out of every hundred acres in every parish one-twentieth, or five acres out of every hundred, should be allotted to the use of the poor. He considered, that to give them that quantity was not to give them too much, whilst it would be a downright robbery to give them less. He should propose, that this land should be for ever reserved to the use of tho poor, and that, with that object, it should be held by trustees for their benefit, the said trustees being the rector of the parish, the lord of the manor, the churchwardens, and the overseers. By this arrangement, he should, he thought, prevent the slightest chance of jobbing: but, in order to preclude all suspicion of it, he should also propose to enact, that the trustees should be bound to make an annual report to the magistrates. He should also propose, that five acres of these lands should in every parish be laid out as a drying ground. [*A laugh.*] Hon. Members might laugh, for they probably did not know the miseries of wet and tattered clothing; but he could tell them, that medical men were almost unanimous in declaring their opinion, that nothing was more detrimental to the health of the poor, than their habit of drying their clothes in their own confined dwellings. In his own part of the country, it was not uncommon for a poor man to carry his wet linen three-quarters of a mile, or even a mile, to a hedge, and having hung it out, to remain for the purpose of watching it until it was dried. Another proposal he should make, would be to allot a portion—say five acres of land—for the purposes of recreation. By this arrangement he hoped our old national and healthful sports might be revived, to the benefit, as well as the enjoyment, of the inhabitants of every vicinity. The remainder of the land he should propose to allot to the use of the poor, to be divided into lots of such size and extent as shall be deemed most useful, no man being apportioned less than a quarter of a rood. The expenses attending this allotment he should propose to be paid out of the poor-rates, but the extent of the enclosures, and consequently the outlay, in any one year, he should propose to leave for the decision of the ratepayers in public vestry assembled, and convened by public notice. He should also propose that the trustees should have the power of exchanging allotments of equal or greater value previous to their having been broken up, also of purchasing waste lands, with the consent of the rate-payers, if the extent of the original allotments to the poor should hereafter be found inadequate. With the same sanction he should also propose that the trustees might expend out of the poor-rates a sum of money not exceeding, he should say, 3*d.* in the pound, in any one year, in the erection of cottages on the allotments. They should also have the power of leasing all allotments for any term not exceeding twenty-one years, the rent of the cottages to be at the fair annual rate of cottage rents within the parish. The waste lands he should propose to be let rent free for the first year, at half the value for the second year, and at a fair annual value for the third and every succeeding year. With respect to the products, he should propose, that first of all, the rents should go to remunerate the parishes for the expense of building cottages, and enclosing allotments, and that after that, the surplus should be annually paid into the poor's-rate fund—an arrangement under which he felt quite confident that in a very few years not only the poor-rates, but the county and all parochial rates, would be paid off. With respect to priority of claim, he should propose that the poor who had obtained a settlement in the parish by birth, or otherwise should have the first claim on the land originally allotted, as well as on that afterwards purchased; and with regard to these purchases, he should propose that the trustees with the consent of the rate-payers might, if they saw fit, purchase waste lands previously allotted, and erect cottages thereon upon the same terms, and in the same manner as in the parishes where no allotment had taken place. The other provisions of his measure would be of comparatively minor importance. With regard, however, to the difficult question of boundary, he should propose to adjust it in this manner: that owners of allotments should not be compelled to enclose them, but that any owner desiring to enclose his own might call upon the adjoining owner to erect his boundary fence, and if he refused might build it himself, and compel payment before justices of the peace. With respect to the machinery for putting the bill into operation, he should propose that for the first three years the tithe commissioners should be employed in making the allotments — their expenses during that time to be defrayed by the Government. For the second three he should propose, that their charges should be paid half by the Government and half by the owners, the portions of the expense attached to the poor's allotments to be defrayed from the poor-rate. After the completion of these six years, the expense should fall solely upon the owners. This was his scheme, and he felt convinced, that if adopted, it would give a stimulus to the people which at present they sadly and woefully required. The following case occurred in his own parish:—A man of the age of 80, applied to the board of guardians for relief. In answer to his application, the board of guardians said, "You have a son who has a cottage in Herefordshire. He must sell that, and with the proceeds of the sale he must relieve you." The son came to him. He said, that he had built the cottage out of his hard-earned savings, and before he would comply with the advice of the board of guardians and sell his cottage, he would become an alien from the country. He begged the House to listen to his appeal in behalf of the poor man. Give the poor a small allotment of land and a spade to cultivate it, and it would have the effect of diminishing the number of inmates in the union workhouses. The poor man then would not be deprived of the privilege of attending at his usual place of worship. Give the poor, before they were weighed down to the dust, what they had a right to demand. He maintained it was the right of the poor—a right of which they had for centuries been plundered.

Colonel *Wyndham*, while he feared that the working of the measure would be found impracticable, would yet counsel the Government to allow the bill to be brought in. There were great quantities of land, however, which he should like to see inclosed. There were great tracts of land in Hampshire and Surrey which he should be delighted to see cultivated by the people of the parishes in which they lay, but he had no idea of strangers coming from every part of the world to settle upon it. Between the Epsom-road and the Portsmouth-road was a tract of fine land, which was left quite uncultivated because of a quarrel between the lords of the manors. Now, he wanted to see all England cultivated. Let the hon. Gentleman bring in his bill; but did the House suppose that at this moment, when the greatest depression prevailed among the agriculturists, that bad lands would remain long in cultivation? No; they would all be thrown out of cultivation. He thought that their first care should be to keep in cultivation the land already in that condition. For this purpose let them support their agriculture—let them not be afraid of those gentlemen there [pointing to the Opposition]. He would stand by the Government as long as they stood by agriculture, and when they threw agriculture overboard he would throw them overboard. He had lately been honoured by a letter from a working-man in the manufacturing districts. The letter was dated from Cheetham. Now he did not exactly know the geographical position of Cheetham, but as he believed that it was not far from Manchester, he was sure that the hon. Member for that town very well knew the way to Cheetham. He would really recommend the Anti-Corn-law League to take for their motto, "The way to Cheetham." Well, but with respect to the letter, the writer said—

> "I wish you would favour the country with some more of your speeches in the House of Commons, as home truths are not often spoken in that assembly."

And let the hon. Member for Stroud mark this—

> "The people here," continued the writer, "want work, not recreation; they have had too much of that already."

Lord *Worsley* thought, that the hon. Gentleman opposite had brought forward his bill with the best intentions, but he feared that the plan would not be found practicable. He feared that this would be the case, because he gathered from what the hon. Gentleman had stated, that the land proposed to be allotted was of such a description that those who were to occupy it would be losers by attempting to bring it into cultivation. The greater part of the waste lands existing consisted of such bad soil that it would not pay the expense of tillage And in that fact might be found the reason why these lands remained still unenclosed and unimproved. A proposition, however, to the effect that guardians and overseers should be enabled to hire good land for the purpose of letting it out to the poor would be worth the consideration of the House. Such a plan might be of use, if the allotments were made of a proper size. The allotments proposed by the hon. Gentleman would make small farms rather than gardens. He should not, therefore, be disposed to have them of such extent. The hon. Member had spoken of a man who kept upon his allotment three horses, a cow, and a pig; but surely a person in such circumstances could hardly be classed as one of the working classes. In the country parish in which he was particularly interested there were a great number of what were called cow clubs. The members paid 1*s.* a month, and when a cow belonging to one of them died, the club contributed the greater proportion of the price of another. There was hardly any exception in North Lincolnshire to the rule that all the cottagers possessed gardens and kept one or two pigs. The plan of the hon. Gentleman of making them cultivators upon a larger scale was, however, he thought hardly feasible. He would ask the hon. Gentleman how a man could work upon a farm of his own after having been working for a farmer all day, and how it was possible for him to carry manure to his land. He himself had given notice that he intended to bring in a bill for the enclosure of waste lands; but a plan such as that of the hon. Member opposite he did not anticipate would succeed, and unless the bill should be materially altered, he should be precluded from giving it his support.

Sir *J. Graham:* The hon. and gallant Member for West Sussex, had recommended that the Government should allow the bill now proposed to be brought in, and he (Sir J. Graham) would follow his advice. Indeed, he should be very unwilling that the hon. Member for Knaresborough, who had bestowed so much thought and consideration upon the subject, should be subjected to such an offensive course of proceeding as would be the refusal of the Government to allow the bringing in of the bill. The hon. Member had not only stated to the House that he himself had bestowed much attention upon the preparation of his measure, but that the measure was the result of consideration given to the subject by most able and intelligent men, whose opinions were entitled to great weight, and he had also stated that he was quite satisfied, that if the House would consent to legislate in the way in which he proposed, they would add much to the happiness and comfort of the labouring portion of the community. A measure introduced with such assurances, and embracing so important a subject, ought, it appeared to him, to command the attention of the House. A motion somewhat similar had been made by the hon. Gentleman the Member for Stroud, but in an objectionable shape. To the present motion, that objection in point of form did not, however, attach. The hon. Gentleman had truly said, that he (Sir James Graham) had expressed apprehensions that any legislative measure would be found inadequate to relieve, in a direct manner, the wants which pressed heavily upon a very large portion of the working classes. He said so with regret; but he thought that it was highly inexpedient to hold out delusive hopes to the people—hopes only tending to disappointment, and he would guard himself against being held to be a party to any encouragement of sanguine expectations which the speech of the hon. Gentleman might tend to excite. They must bear in mind, that in our present advanced and complicated state of society, with a dense population crowded within the limits of two islands, it was hardly possible but that all land capable of being profitably tilled was already enclosed, and under cultivation. If the land which the hon. Member wished to enclose and cultivate was not of such a quality as to yield a profit to the cultivator, then the scheme was, after all, one of charity—charity at the expense of the State. If the State was to contribute, and if the poor-rates were to pay the burthen, it was only a system for maintaining the poor out of the rates, in another and a new form. The hon. Gentleman had touched on the question of colonization; but he (Sir J

Graham) thought it would be highly inexpedient were he to enter upon that subject on the present occasion, or the general subject of the administration of the poor-laws, which the hon. Member had also alluded to. He would also abstain from entering into the subject of the Corn-laws; but in peculiarly addressing himself to the matter of the hon. Gentleman's motion, he must be allowed to observe that the hon. Gentleman based his plan upon an assumption which he (Sir J. Graham) conceived to be directly the opposite to fact. The hon. Member had assumed, that where population was most dense, and where want of employment was the most felt—in consequence of the great competition between the workmen—a great extent of waste lands generally existed. The hon. Member had quoted instances of parishes in Yorkshire in which this was the case, but, without disputing the accuracy of these particular cases, he would remark that, in general, the largest tracts of unclosed lands existed in districts where the population was comparatively thin. It was true, that waste lands existed to a considerable extent not far from the metropolis, but he thought that it was also true, that these tracts were distinguished for their utter sterility and incapacity for cultivation. Generally speaking, then, where large masses of population existed, no waste lands to any extent, capable of cultivation with profit, remained unenclosed. He did not know, from the plan of the hon. Gentleman, how the poor were to be conveyed from crowded localities to these waste lands; but even suppose that difficulty to be surmounted, what habitations were to be found for them? He knew not how the hon. Gentleman proposed to provide habitations for those who were to cultivate the allotments; his cost of the erection of such habitations alone would require a large outlay of capital. Practically, therefore, there appeared the greatest difficulties, not to say impossibilities, in the way of the working of the plan. Could the system be carried out, it would probably assume the aspect of the cottier system in Ireland. He entertained the greatest doubt of the practicability of this measure; he feared that it would not answer the benevolent purpose which the hon. Member had in view; but yet he was willing to yield to the advice of the hon. Member for Sussex, and should offer no impediment to the introduction of the bill.

Lord *J. Manners* was anxious that the utmost facility which the House could afford should be given to the introduction of this bill. When he reflected on the state of the country, when he considered that men of all parties bore testimony to the want of employment, not only in the manufacturing, but in the agricultural districts, and when he saw before the country but three plans that could in any way better the condition of the people, he was sure that every encouragement should be given to such plans as that now submitted. The first of the schemes to which he had just alluded was a gigantic system of emigration, against which, as a means, he was the last person to say anything; but against which, as a first principle, he should protest, except it was voluntary. And not only this, but to be worth anything, it must be an emigration to countries where the emigrants should not be liable to the miserable vicissitudes to which they now often found themselves exposed, and where, if they should not have all the comforts, they should at least have the necessaries which they enjoyed in this country. The next proposition was a total revolution in our fiscal arrangements. He was not prepared to say, whether a great revolution of that kind would be attended with the consequences which its advocates expected; but even if it were demonstrably certain that a total and immediate repeal of all restrictions would be the means of employing a hundred thousand additional hands, he could not willingly assent to such a change. He did not, of course, wish to throw any impediment in the way of a gradual increase of our manufacturing power, but he must hesitate if he were asked, whether there was no other plan than a total change which could conduce to the happiness and contentment of the whole community. He could not shut his eyes to the fact, that there was an increasing conviction that some such proposal as that of the hon. Member for Knaresborough would have a beneficial effect. And when the right hon. Secretary for the Home Department expressed his doubt whether any waste land could be cultivated at a profit in England, he should refer him to a fact of which he was himself cognizant. Some noblemen took 270 acres of the worst land on the Charlwood Moor, and in two or three years, seventy acres only having been brought under cultivation, the produce paid the expense of the establishment. When he saw such effects of skill and capital, he hoped (it might be a dream) to see the country able to produce food sufficient for the support of its people. He was sure that the time had arrived when mere party politics had no longer a hold on the feelings of the people. The clamour that had been raised for a new Reform Bill, and all that sort of thing, had waned and faded away before the distress which hung over the country. He believed that the Ministry, by taking into their consideration such a plan as that proposed, and, if possible, acceding to it, would lay a more solid foundation for fame than if they dealt with abstract theories and fine spun ideas; and not only for their own fame, but for the stability of the monarchy and of our institutions.

Mr. *Hume* fully agreed with the observations of the right hon. Baronet. He had seen a good deal in his time of home colonization, and watched plans propounded by humane, honest, and zealous men with that view, but they all failed, though their projectors could not be convinced of their failure. The noble Lord (Lord Manners) had asked triumphantly whether our resources in waste lands could not be employed as the portion of Charlwood Moor alluded to had been. But he ventured to say, if the noble Lord stated the capital which was expended in making this change, it would purchase a freehold property of the same amount. When the high price of land was considered, it was impossible to suppose that for the last twenty years much that might yield profit in return was left uncultivated. Then arose the question, was it expedient to cultivate in the manner proposed on charity? Individuals might be found benevolent enough to give money for such a purpose, but he greatly doubted whether parishes would submit to assessment for such a purpose. He thought a simpler plan than either home colonization or emigration would be to admit the corn of other lands. Our people should be put on the same footing with those of other countries. England was the largest market, and it ought to be the cheapest; and if a million acres were brought into cultivation elsewhere to supply us, it was the same thing as if so much was added to our territory. We must pay for this produce by our manufactures, and this must necessarily increase the employment of the people. He had no objection to have the bill brought in, for he was sure no machinery could make it effective.

Sir *J. Hanmer*: There was no doubt that, amongst the middle and upper classes, the *dictum* of his noble Friend (Lord Manners) was correct, and that those who belonged to these sections of society had a distaste for party politics, but he greatly feared that amongst the lower orders, and those who subsisted on their labour, such a feeling was by no means prevalent. He believed there was amongst them a feeling of discontent which was growing daily. He believed the only remedy for this state of things was practical measures, which ought to be undertaken by a responsible Government; and if the condition of the people was not made better, he asked any man of the least reflection who considered what had taken place in our own time, and the time before it, and who was capable of inferring what might be the consequence, whether it was altogether certain that any confidential understanding of Lord Grey's Cabinet)which was now dissolved, and the Members of which were scattered on either side) could stop the demand for some further organic change? He thought the present proposal was entitled to be numbered in the category of practical measures; for he had the testimony of Mr. M'Gregor that such establishments had flourished in Holland, and that it was not unlikely they would succeed here. Though this was a step in a right direction, he still thought that it would be very ineffectual in relieving the wants of the community, compared to the adoption of the principle of cutting away the ligatures which tied down our trade and commerce. That principle was so strong, that it would ultimately sweep away all impediments. He was told that low profits were a sign of vigour, inasmuch as capital was expended over a larger field; but it must be borne in mind, that every improvement in our manufactures pushed a number out of employment. It was said, "Stop machinery." They might as well attempt to stop the satellites of Jupiter. But the serious question was, what could be done with these poor people? He did not want to deal with any topic by way of popular excitement; but he did think that freedom of trade would be the best means of ensuring employment. He thought it was the duty of the Government to support this measure, or some measure of an analogous character. There might be some of the details of the hon. Member's bill, to which he could not give his sanction, but he approved of its principle, and, therefore, would vote for its introduction.

He entreated the House to allow the bill to be brought in. The people looked anxiously, and sometimes sorrowfully at what took place in that House, and it was unfortunate that they had cause to regret that hon. Members did not more frequently stand up in their places and express their sympathy for the sufferings and privations they endured.

Mr. *Brotherton* believed that the abolition of the Corn-laws would be more beneficial to the people than any measure such as that now proposed. He had received communications from poor persons in many districts, expressing their apprehension that the hon. Member's bill, though introduced professedly for the benefit of the poor, was intended covertly to advance the interests of the rich. Nevertheless, he would not oppose the introduction of the measure, but would wait to see whether the machinery of the bill was calculated to carry out the object which the hon. Member had in view.

Lord *Pollington* said, that although the hon. Member for Salford seemed to think that the proposed measure was intended for the advantage of the rich, he was satisfied that it would be for the benefit of the poor, and on that ground he would support it.

Mr. *Aglionby* remarked, that whilst the hon. Member for Knaresborough told the House that those who opposed the bill would be considered the enemies of the people, the hon. Member for Salford had stated sufficient to show that those who supported it would run the risk of being thought the favourers of the rich. For his own part, he had his misgivings with respect to the measure, and thought it was one which ought to be watched with great jealousy. He would not object to the introduction of the bill, because he was anxious that every proposition which was brought forward with the view of alleviating the sufferings of the people should receive calm and impartial consideration. At the same time, he entirely concurred in the observation of the right hon. baronet the Secretary for the Home Department, that the House should be cautious not to take any course calculated to excite hopes and expectations which it might be found impossible to realise. There was one measure which would, he thought, exercise a most beneficial influence upon the population of this country, namely, a system of voluntary emigration upon a large scale, under the supervision of the Government.

Mr. *S. Crawford* thought the repeal of the Corn-laws would not, alone, be a panacea for the distresses of the people. It was necessary to diminish the mass of the population depending for subsistence upon the hire of their labour, and the only way to do that was to place them upon the land. He anticipated much good from the hon. Member's bill.

Leave given to bring in the bill.

PARLIAMENT OATHS' BILL.] Sir *V. Blake* rose to move for leave to bring in a bill to repeal and abolish all the oaths now taken by Members of Parliament on taking their seats, except the oath of allegiance. It was his original intention to have included that oath also, but in consequence of a communication made to him by a distinguished Member of the late administration, a noble Lord, whose capacity and experience entitled him to the highest respect, he (Sir V. Blake) was induced to except the oath of allegiance, and to substitute it for the other oaths, which he proposed to abolish, and that it might be taken by all Members without religious distinction. He said, an hon. Member who had recently taken the oaths at the right hand side of the table, had told him that he did not in the least understand or recollect the nature or import of all that he had sworn. He (Sir V. Blake) was not in the least surprised at that acknowledgment, for he would undertake to show before he sat down, that even the right hon. and learned Baronet, the Member for Oxford, and he might add the Members of her Majesty's Government, and Members too, of the legal profession, were not aware of the existence of a statutable provision, which expressly enjoined that those oaths should be taken in a particular sense, which was at total variance with the truth, as he (Sir V. Blake) would explain. Believing that the objectionable contents of those oaths were very little known, and as they formed the basis of his motion, he would, with the permission of the House, move that they should be read by the clerk.

[The clerk then read the oaths of allegiance, supremacy, and abjuration, also the Roman Catholic Oath.]

Sir *V. Blake* resumed. Although he was urged on to advocate a principle, which in his humble judgment was calculated more than any other, to uphold and maintain the character, dignity, and influence of Parliament, he was not in the least unconscious of the great disadvantage under which the subject would be brought forward, in consequence of his want of ability, and incapacity to do it anything like justice. He was, however, encouraged to proceed, because he did not deal in metaphor, but in facts, which would be seen to be at once startling and incontrovertible, and if he could only succeed in communicating his own impressions intelligibly, he trusted the House would accede to his request to be permitted to introduce the bill which he held in his hand without the aid of Parliamentary eloquence or declamation. It was not his intention at that late hour to enter into the history of the origin of oaths, further than to remind the House that they were of Pagan parentage, but even the Pagan practice was less objectionable than the Christian practice, because no oaths were taken during the Pagan era, that were not taken with the view to the administration of public justice in the courts of law. Judicial oaths were a relict of the uncivilized times of the ploughshare and wager of battle ordeals, and it was against these oaths that the mandate in the sacred volume would seem to be specially directed, where it is said, "Swear not at all"—and again, "Thou shalt not take the name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his name in vain." It was necessary for him also to remind the House that the oath of supremacy was but a portion of the first Act of Parliament, which was entitled an act to prevent Papists from sitting and voting in Parliament—at the time of passing this act, there was a legal extinguishment of the Roman Catholic religion in England, and those who professed that religion were obliged to do so by stealth. It might therefore be not untrue then to state, that no foreign prelate had any power spiritual or ecclesiastical within these realms, but now that Roman Catholics were admissible to Parliament, that the religion itself was tolerated, and its Ministers in the celebration of Divine worship were protected by law, was it not monstrous to continue the oath under the present circumstances, and the more especially when it is considered that under, and by virtue of the Roman Catholic Relief Bill, section 9, a concurrent power is given to the head of the Roman Catholic Church, with the power of the Crown, to create vacancies in the representation of the people in that House, for if the Crown could create such vacancies by an appointment to office, so could the Holy Father by the exercise of his right of ordination of any hon. Member create a like vacancy—nay, more he would show, that his holiness possessed a power even in the Protestant Church, which power was greater than that possessed by the head of the Protestant Church itself, as it was competent to any Roman Catholic clergyman, by conforming to the Protestant Church, to hold the same rank in which he obtained his ordination without any ordination in the Protestant establishment. Now the words "ought to have" in the oath of supremacy were unobjectionable with Protestants, because the phrase implied merely a matter of opinion. But the words "hath not any power ecclesiastical or spiritual," amounted to an allegation of an express fact which no man after due deliberation could make upon oath. And he knew it was the want of this deliberation that prolonged the existence of the oath, verifying the observation of Mr. Lock, where he observes, that there are a multitude of upright, pious, honourable, and even intelligent men, who continue to do things that are very wrong, because they have been done by others, and thus consider themselves absolved from the necessity and trouble of enquiry. Men who had hitherto taken this oath under these circumstances could not be said to be so culpable, as if they had full notice of the enormity they were about to commit, but they could no longer plead ignorance on this point, they could no longer claim immunity from punishment or expect that the Son of God would say, "Father forgive them, for they know not what they do." Then again, as to the oath of Abjuration, ought they not to be laughed at by all civilised nations for continuing the absurd, and ridiculous form of avowing that they had no disposition to displace the beloved Queen, that reigned in the hearts of her devoted subjects, for the purpose of substituting the unearthly prospects of James 2nd, for on earth there did not exist any of that class, and as to the Roman Catholic oath, surely at the present advanced period of civilization, it was uncharitable and unbenevolent, and therefore unchristianlike, to continue the absurd imputation which is conveyed by requiring Roman Catholics as a qualification to sit in that House, to disavow that they believed it would be meritorious and proper for them to imbrue their hands in the blood of their beloved Sovereign, if so ordered by the Pope, while at the same time it was a terror arising from the notorious existence of a spiritual power in his holiness, that dictated, the objectionable paragraph of the Roman Catholic oath, to which he alluded; this in itself was sufficient to demonstrate that it was not true to allege on oath, that no spiritual or ecclesiastical power was exercised by any foreign prelate within these realms. It was curious also that the Roman Catholic oath should be so framed as not to be objectionable to Protestants, many of whom he believed committed the pious fraud of professing that they were Roman Catholics for the special occasion, rather than commit wilful and corrupt perjury, by taking the oath of supremacy, with a full knowledge of its import, so we have now the extraordinary discouragement to Protestantism, arising from the construction of the oaths, by which it may be so said, that the Roman Catholic Relief Bill is a bill to promote the growth of Popery, as it afforded the opportunity to avoid the taking of the oath of supremacy. He was now done with the religious portion of the argument, and would beg next to call their attention to the provisions of the act of the 5th of Anne, being the act of Union with Scotland, by which it is enacted that the Members of Parliament for Great Britain should take the oath to which he had alluded, upon the penalties and disabilities thereby enacted, and then this act proceeds in the following words:—

> "And it is declared that these words, this realm, the Crown of this realm, and the Queen of this realm, mentioned in the oath and declaration aforesaid, shall be understood of the Crown and realm of Great Britain, and in that sense here, said oath and declaration shall be taken and subscribed."

Then followed the act of Union with Ireland, which statute merely declared that the Members of the Lords and Commons of the United Kingdom should take the oath, and make and subscribe the declaration now by law required to be taken by the Parliament of Great Britain. There was no extension to Ireland of penalties imposed at the time of the Union with Scotland, for omitting to take oaths; neither was there any extension of the sense in which the oaths were to be taken, so as to make them referable to the United Kingdom of Great Britain and Ireland; therefore, the same oaths to which a particular sense was given by Act of Parliament, making the oath applicable to Great Britain only, could not be taken in the same sense which would extend them to Great Britain and Ireland; so that in point of fact, every Member now taking these oaths, was made to swear that there was no Union with Ireland—and that the Kingdom of Great Britain was still in existence. He apologised for having detained the House so long, but he was approaching to a conclusion. He would say, that the agency of steam added to our previous resources—our progress in national acquisitions and influence was so rapid and extended, that England exhibited an accumulation of power that left at an immeasurable distance the widest empire of ancient and modern times—that in proportion to our growth in this way, the business of Parliament was overwhelmingly increased and onerous; so that even the acquisition of the three or four days spent at every new Parliament in taking oaths, would be a vast advantage to the public. Then again, it was notorious, that at the close of each successive Session, the men of business of the House, who were constant in their attendance, were obviously exhausted and debilitated, and were scarcely sufficiently renovated in the country to resume their labours at the opening. Many eminent men have lost their lives by their assiduity, and there could be no doubt but that the effect upon all would be to shorten the duration of human life, it was therefore the interest of all to adopt some new system of transacting the business of Parliament, that thereby the duties of the chair might continue to be performed by its present occupant with an ability, courtesy, diligence and knowledge of the law, and usage of Parliament which was never surpassed, and which might probably be never again united in the person of any one individual, without shortening the duration of a life, which is so highly valued by all who enjoy the superior advantage of being permitted to approach him, either officially or otherwise. With these observations, thanking the House for their kind indulgence, he would beg leave to move for leave to bring in the bill of which he had given notice.

Sir *J. Graham* hoped the hon. Baronet would not think him wanting in courtesy if he felt it his duty to oppose the motion for leave to bring in this bill. He could not for a moment believe that any person, while taking the oath of supremacy, really felt that he was committing any violation to his conscience. He was aware, certainly, that a strange construction might be put upon the oath, but that construction was not strictly consonant with fact. When the oath was framed, that no foreign prince, potentate, or prelate exercised any power or jurisdiction in this realm, reference was made to a state of things that had formerly existed, but which had ceased to exist. The sense, he thought, in which the oath was taken was this—that matters, not formerly under royal control had, and ought to be placed under the control of the Crown. The hon. Baronet was also anxious to repeal the oath at present taken by the Roman Catholic Members of that House. That oath had been prescribed by the act of Catholic emancipation, and he (Sir J. Graham) must repeat that the attainment of that great settlement had been attended by great difficulties. The oath was framed by some of the greatest and ablest men then in Parliament, and he thought it would be very inexpedient now to do anything calculated to disturb that settlement. He thought it would, therefore, be impolitic and inexpedient to allow this bill to be brought in, and, therefore, without intending the slightest discourtesy to the hon. Gentleman, he felt it his duty to withhold his consent from the motion.

Mr. *Ross*, looked upon every oath as a solemn imprecation, and it was a serious thing for a man to take any oath when the injunction was borne in mind by which it had been commanded to them, "Swear not at all." He thought that injunction alone ought to be received as a reason why they should endeavour on every occasion to get rid of every oath which it was possible to dispense with. He was aware that the expression, "So help me God" had been explained to mean a prayer that God might help the individual who took an oath to keep it; but that was not the sense in which the words were usually understood, and the words which Shakspeare put into the mouth of Hamlet—

"This do ye swear,—
"So grace and mercy at your most need help you"—

showed that Shakspeare used the words in the usual sense. He (Mr. Ross) should feel no hesitation in giving his support to the motion before the House.

Sir *R. Peel* said, it was impossible he could give his concurrence to the proposition of the hon. Gentleman. In 1829 he had concluded, in concert with the Government of that day, the arduous task—a task rendered still more arduous by the position in which he then stood—of bringing to a satisfactory settlement the long agitated question of the removal of the civil disabilities of the Roman Catholics. It was well known that the greatest objections to that measure were entertained by a large body of the Protestants of the empire. The Roman Catholics professed a readiness to give every security which the Protestants could require; they disclaimed every intention to subvert the existing settlement of property and establishments in Church and State. They declared that they never would exercise any privilege to which they might become entitled to disturb or weaken the Protestant Government and religion. These declarations, spontaneously offered on their part, were embodied in an oath which they were required to take. The oaths of allegiance, supremacy, and abjuration were appointed to be taken by all Protestants, or declarations to the same effect by those who objected to oaths. The Relief Bill required a particular oath to be taken by Roman Catholics, which was so framed as to contain nothing offensive to their feelings. If this were the age of common sense, and if that was to prevail, he hoped the House would not wish to break in on the principles of the settlement made in 1829, on the faith of the adherence to which many persons, opposed to the Roman Catholic claims, consented to give up their opposition. Balancing, on the one hand, the advantages promised from the removal of the oaths, with the risk, on the other hand, of inflaming religious discord if it were found that the principles of the settlement of 1829 were to be laid aside, he thought that there was ample reason to induce the House to decline the concession they were now asked to make. The hon. Gentleman said there was a religious objection to oaths, and appealed to the scriptural doctrine, swear not at all; and yet the hon. Gentleman himself proposed to retain the oath of allegiance, though it was contrary to his principles to take any oath whatever. The hon. Gentleman said, those who took the oath of supremacy were perjured. That very oath had been the subject of consideration for 150 years, and the most eminent men of the Protestant Church had felt that they could, with perfect safety to their consciences, take that oath, and deny that there was any ecclesiastical or spiritual jurisdiction to which her Majesty's subjects were bound to conform, possessing any co-active or obligatory force. In 1829, this subject was discussed in the presence of men of the greatest wisdom, acuteness, and information; it had been previously discussed in 1813, when

Mr. Grattan brought forward his bill to repeal the oath of supremacy, and in 1825, Mr. Canning never proposed to relinquish the ancient oath of supremacy. Questions were then urged in the same spirit of refined acuteness as the hon. Gentleman had displayed on the present occasion. Attempts were made to show that you could not take the oath of supremacy, or refuse to admit all spiritual jurisdiction on the part of the Pope, so long as a Roman Catholic bishop remained within this realm; but he (Sir R. Peel) had then maintained, and it was impossible to contest the truth of the statement, that there was no coactive jurisdiction—although, at this moment, if a Roman Catholic bishop were to conform to the Protestant Church, he would hold the rank of bishop. That had been so for a century past. It was rather too much that the hon. Gentleman should come from the recesses of Galway, and pronounce all who had taken the oath denying the spiritual jurisdiction of the Pope, during 150 years past, to be perjured. The oath of abjuration was declared by the hon. Gentleman to be absurd. By that oath the Queen was acknowledged to be lawful Sovereign of this realm, and the person taking it promised faithful and true allegiance, and bound himself to make known all plots and conspiracies against the Crown which might come to his knowledge. There was also a clause by which the person engaged to maintain, support, and defend the succession to the Crown as settled at the Revolution. The hon. Gentleman was relieved from any conscientious scruple he might have as to oaths—he was a Separatist, and was allowed to make a declaration. He hoped the House would not lightly depart from the principles so long established on this subject. If they receeded from the arrangement made in 1829, he did not think they would increase the feeling of security as to the permanence of that settlement entertained by the community.

Sir *T. Wilde* thought the motion was founded on a misapprehension of the oaths. It did not appear to him that either of the oaths to which the motion referred could possibly be dispensed with; but, in saying so, he would not enter on the general question as to the expediency of oaths. Assuming that, for the purpose of securing the safety of a state, oaths might be imposed, he thought the present oaths did not bear the construction which the hon. Gentleman had put on them. It was thought necessary to bind the consciences of persons, for that purpose their religious persuasion must be ascertained; there was one oath for Protestants, and another for Roman Catholics. The oath of supremacy was the oath by which Protestants were distinguished from Roman Catholics; the oath of abjuration recognised the independent authority of the present Royal Family, as established by law, and bound the subject not only not to be a party to any conspiracy against the Crown, but faithfully to reveal any that came to his knowledge. That oath, therefore, was directed to an object of great national importance.

Sir *V. Blake* in reply, said he did not impute the least degree of discourtesy to the right hon. Baronet, the Secretary of State for the Home Department, for opposing his motion; but he thought the reason given for doing so was very insufficient—namely, that he had already consented to the bringing in of another bill by another hon. Member. He had no arguments, properly speaking, to reply to, for none were used in opposition to his motion. He was proud to say, that his objection to the oath of supremacy was the result of an hereditary feeling; his ancestor and namesake was the first man who was expelled from the House of Commons, for having refused to take that oath; and it was a singular coincidence that after the lapse of two centuries, Providence should have so ordained it as to enable the descendant of that man to be instrumental in the abolition of this oath. The right hon. Baronet at the head of her Majesty's Government, objected that because the oath of supremacy was taken for 150 years, it was not now objectionable—but when it was enacted, and down to 1829, the law repudiated and disavowed the existence of the Roman Catholic religion in England; but now it was avowed openly and tolerated, and protected by law—the allegations of the oath were true till the Emancipation Act—the Act of 29 was improperly described as a bill for the relief of her Majesty's Roman Catholic subjects; it ought to be described as also for the relief of her Protestant subjects—for the principle I contend for is to be found in that bill, where it abolishes the infamous declaration of 30, Chas. 2nd. He thanked the right hon. Baronet for assisting to illustrate the position that the Pope could ordain a Protestant bishop. What more convincing evidence of the fact that he has spiritual and ecclesiastical power in this kingdom? The force of numbers, and not of argument, would overwhelm him;

but it was a good cause, and he would never abandon it.

The House divided, when there appeared —Ayes 17; Noes 104:—Majority 87.

List of the Ayes.

Bernal, Capt.
Currie, R.
Duncombe, T.
Elphinstone, H.
Fleetwood, Sir P. H.
Gore, hon. R.
Hindley, C.
Hume, J.
Hutt, W.
Paget, Lord A.
Pechell, Capt.
Ross, D. R.
Russell, Lord E.
Scholefield, J.
Stock, Mr. Serj.
Trelawny, J. S.
Yorke, H. R.

TELLERS.

Blake, Sir V.
Crawford, S.

List of the Noes.

Ackers, J.
Acland, T. D.
Acton, Col.
Aldam, W.
Allix, J. P.
Barnard, E. G.
Boldero, H. G.
Borthwick, P.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Buckley E.
Buller, Sir J. Y.
Charteris, hon. F.
Christopher, R. A.
Clayton, R. R.
Clive, Visct.
Clive, hn. R. H.
Colvile, C. R.
Copeland, Ald.
Corry, rt. hn. H.
Cripps, W.
Darby, G.
Denison, E. B.
Douglas Sir C. E.
Dugdale, W. S.
Duncan, G.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Ferguson, Col.
Filmer, Sir E.
Flower, Sir J.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone,rt.hn.W.E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hn. Capt.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hamilton, W. J.
Harcourt, G. G.
Hardinge,rt. hn. Sir H.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hornby, J.
Hughes, W. B.
Ingestre, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, H.
Langston, J. H.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
Mc Geachy, F. A.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Morris, D.
Muntz, G. F.
Neeld, J.
Newdigate, C. N.
Nicholl, rt. hon. J.
Packe, C. W.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumtre, J. P.
Plumridge, Capt.
Praed, W. T.
Pusey, P.
Rice, E. R.
Rose, rt. hn. Sir G.
Round, J.
Sandon, Visct.
Shaw, rt. hon. F.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon, H. M.
Tennent, J. E.
Trench, Sir F. W.
Trotter, J.
Wawn, J. T.
Wilde, Sir T.
Young, J.

TELLERS.

Freemantle, Sir T.
Pringle, A.

Marriage and Divorce.] Mr. *Elphinstone* moved for leave to bring in a bill to establish a court for marriages and divorces. He hoped, at this late hour, he might be permitted to bring it in without a discussion.

Sir *R. Inglis* said, he must divide the House, as he thought they ought to have a discussion before they even assented to the introduction of the bill.

Mr. *H. G. R. Yorke* advised the hon. Member for Lewes not to attempt to bring it in without a discussion.

Sir *R. Peel* thought the hon. Member should not bring in a bill of this importance, at so late an hour, without making a statement.

Mr. *Elphinstone* said, the bill had been recommended in the report of the ecclesiastical commissions of 1832, as well as in the report of the committee on the Admiralty Court. His object in thus asking leave was, that the House might have fair time to consider all the provisions of the bill. If his motion were agreed to, he should not think that any hon. Member was pledged to those provisions.

Dr. *Nicholl* would have had no objection to the bill as he had originally understood it, but as he now found it, he thought that it was not in accordance with the reports of the ecclesiastical commissioners. He suggested the withdrawal of the motion.

The House divided—Ayes 47; Noes 47.

List of the Ayes.

Aldam, W.
Bernal, Capt.
Blake, Sir V.
Brotherton, J.
Bruce, Lord E.
Colvile, C. R.
Corry, right hon. H.
Crawford, W. S.
Douglas, Sir C. E.
Duncan, G.
Duncombe, T.
Eliot, Lord
Escott, B.
Ferguson, Col.
Fremantle, Sir T.
Gaskell, J. Milnes
Gill, T.
Gore, hon. R.
Graham, rt. hon. Sir J.
Greene, T.
Hardinge,rt. hn. SirH.
Herbert, hon. S.
Hume, J.
Hutt, W.
Jermyn, Earl
Lincoln, Earl of
Martin, C. W.
Masterman, J.
Morris, D.
Muntz, G. F.
Nicholl, rt. hon. J.
Paget, Lord A.
Peel, rt. hn. Sir R.
Plumridge, Capt.
Rice, E. R.
Ross, D. R.
Russell, Lord E.
Scholefield, J.
Smith, rt. hn. T. B. C.
Stanley, Lord
Stock, Mr. Serj.
Sutton, hon. H. M.
Thornely, T.
Trelawny, J. S.)

Wawn, J. T.
Wilde, Sir T.
Young, J.

TELLERS.
Elphinstone, H.
Pechell, Capt.

List of the Noes.

Ackers, J.
Acland, T. D.
Acton, Col.
Allix, J. P.
Boldero, H. G.
Borthwick, P.
Buller, Sir J. Y.
Charteris, hon. H.
Christopher, R. A.
Clayton, R. R.
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Emlyn, Visct.
Feilden, W.
Filmer, Sir E.
Flower, Sir J.
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Greenall, P.
Grimston, Visct.
Hamilton, W. J.

Hamilton, Lord C.
Henley, J. W.
Hervey, Lord A.
Hodgson, R.
Hornby, J.
Hughes, W. B.
Lockhart, W.
Mc Geachy, F. A.
Manners, Lord J.
Marsham, Visct.
Maxwell, hon. J. P.
Neeld, J.
Patten, J. W.
Peel, J.
Plumptre, J. P.
Pringle, A.
Rose, rt. hon. Sir G.
Sandon, Visct.
Shaw, rt. hon. F.
Stuart, H.
Trotter, J.
Yorke, H. R.

TELLERS
Inglis, Sir R.
Mackenzie, W. F.

The *Speaker* declared himself in favour of the Ayes.

Bill brought in and read a first time.

House adjourned at half-past twelve o'clock.

HOUSE OF LORDS,

Friday, March 31, 1843.

Minutes.] Bills. *Public.*—1ª· Church Extension.

2ª· Sudbury Witnesses Indemnity.

Reported.—Coast of Africa.

3ª· and passed:—Indemnity.

Private.—1ª· Birkenhead Improvement; Imperial Continental Gas; Morgan's Divorce.

2ª· Lancaster Lunatic Asylum; Cockermouth Roads.

3ª· and passed:—Staffordshire and Worcestershire Canal; Warwick and Leamington Railway; Lancaster and Preston Railway.

Petitions Presented. By Lord Kenyon, and the Bishops of Gloucester, Lincoln, and Bangor, from Rochester, Derby, Llanfihangel y Croiddin, Llangorwen, Ruthin, Berkshire, Rhuabon, and Bettw yn Rhos, against the Union of the Sees of St. Asaph and Bangor.—By the Earl of Carnarvon, and Lord Campbell, from Darlington, Glasgow, Durham, Edinburgh, Sunderland, Newcastle, North and South Shields, and Carlisle, against altering the Mines and Collieries Act.—By Lord Brougham, from Dublin, for altering the Libel Laws.—By the Earl of Galloway, from Dunse, for Relief to the Schoolmasters in Scotland.

Schoolmasters—Scotland.] The Earl of *Galloway* presented a petition from the Presbytery of Dunse for an augmentation of the salaries of parish schoolmasters in Scotland. The petition stated that the average income of parochial schoolmasters in Scotland was not more than 50*l*.

Lord *Kenyon* was surprised to hear that it was so much; his experience showed him that it was considerably less.

The Earl of *Galloway* believed, that the emoluments were over-calculated at 50*l*. a year; they included salary, paid by a rate upon the landed proprietors, and fees collected for instruction. That instruction included the first rudiments, as well as the highest elements of knowledge, classical and mathematical, and in many, if not most instances, the masters were well qualified to communicate them to their pupils. Originally it was intended that the payment for these important services should be much more liberal, according to the present value of money. The fees were usually ridiculously small. His Lordship earnestly recommended the subject to the consideration of the House.

Petition laid on the Table.

Church of Scotland.] Lord *Campbell:* I rise, my Lords, in hopes of being the humble instrument in warding off a great calamity from my native country. The Church of Scotland, from apprehensions and delusions prevailing, is in great jeopardy: and it appears to me that much good may be effected by the expression of an opinion by your Lordships; by which the apprehensions may be removed, and the delusions dispelled. Various petitions have been presented, praying your Lordships to take into your serious consideration the present condition of the Scotch Church. An opinion has been expressed on the part of the executive government, and the matter has been discussed in the other House of Parliament; and humble a Member as I am in this House, unless I come forward, I am afraid that no opportunity will be presented for expressing your Lordships' opinion before the crisis arrives. I hope, therefore, I may be excused and not thought guilty of presumption in presenting myself before your Lordships. I have an hereditary affection for that church; I was brought up at the feet of one of its most venerable pastors, and the respect and reverence with which he inspired me will never be effaced. It has seemed to me that the most advisable course would be to present certain resolutions and ask your Lordships solemnly to express the opinion of this House. I think that legislation at this moment cannot be properly applied, and it would be most disingenuous in me to express any other opinion. During the late Government, as often as I had the honour to be consulted by my noble Friend at the head of it, I advised him not to undertake any legislation, because it would only lead to still greater confusion, while the Church seemed to set the State at defiance, and while no assurances were given that any measures would be accepted as satisfactory. I deeply deplore that my conviction up to this hour remains unaltered, the same difficulties continue to present themselves. I am bound to say that I entirely approve of the determination of Government, in the present posture of affairs, not to interfere; but at the same time I think that great benefit may result from the expression of an opinion by your Lordships respecting the claims which the Church of Scotland has made, and the controversy that has thereupon arisen. I have, therefore, laid upon the Table five resolutions, to which I shall have the honour to ask your Lordships assent. I have heard it said that this mode of proceeding is objectionable, because it seeks prematurely to bind the Legislature; such an objection I consider wholly futile. This mode of proceeding makes no such attempt; it merely expresses the present opinion of one branch of the Legislature. It is founded upon various precedents, and there can be no doubt that it is a constitutional course. During the American war there were different occasions on which resolutions were moved to express the opinion of Parliament on the policy of the contest, and on the principles on which it ought to be brought to a termination. The same mode was adopted during the French war; and more recently both Houses have discussed resolutions respecting the abolition of the slave-trade, respecting the abolition of slavery in the colonies, and respecting the Roman Catholic claims. A resolution was adopted by the House of Commons, that in the following Session it would be expedient to proceed to legislate for the relief of our Roman Catholic fellow subjects. Again, with regard to the food of the people, Parliament has continually pursued the same plan. On repeated occasions resolutions have been passed on the Corn-laws, both as to what the House of Commons thought ought to be done, or ought to be refused. On a future occasion, when any bill shall be proposed respecting the Church of Scotland, it will be perfectly open to your Lordships to discuss the subject, and either to adhere to your opinion or to alter it. The first resolution I have to propose respects the inviolability of the Presbyterian Church of Scotland, and of all its rights, privileges, and immunities. Whatever opinion your Lordships might individually form upon the subject, it is utterly impossible for any noble Lord to dispute that the Church of Scotland ought to continue to be governed by Kirk Sessions. Presbyteries, Synods, and General Assemblies. After a long and violent struggle, during the sixteenth and seventeenth centuries, that Church was established. The great object of the Scottish nation when fighting for that church was attained, and our efforts were crowned with success. At the Revolution, the establishment, or rather the preservation of the Presbyterian Church was made a condition by Scotland of agreeing to that great measure: and that agreement was the foundation upon which the present illustrious family was called to the throne of these kingdoms. When the Union was discussed in the reign of Queen Anne, the Scottish nation would not allow the commissioners even to treat on the affairs of the church, which they were forbidden to bring into discussion. The Act of Security was involved in the Act of Union, and it was upon the condition that the Presbyterian Church should ever be respected and preserved that Scotland consented to forego her existence as a separate and independent kingdom. By Act of Parliament the first proceeding on the accession of a new Sovereign is to sign a declaration to maintain and uphold the Church of Scotland, with all its rights, privileges, and immunities; several of your Lordships who happened to be present on the auspicious occasion when her present Majesty commenced her reign, must remember that it was her earliest act. But it is not merely because the Church of Scotland is established by law, and that its inviolability is guarded by solemn international treaties, that your Lordships must be inclined to support it. The great majority of your Lordships belong to another communion, which you no doubt, abstractedly, consider preferable; but at the same time your Lordships will not fail to recollect that the Presbyterian establishment has suited the wishes, habits, and inclinations of the people of Scotland. When you consider the benefits it has conferred upon that country, I am sure that none of your Lordships will be disposed to encroach upon its rights or privileges, or to do anything that might endanger its security. There can be no doubt that that church has had the best practical effect upon the morals, and character, of the people of Scotland. Your Lordships have only to call to mind the state of Scotland in the 17th century, when there was an attempt perseveringly made to force episcopacy on the inhabitants, to feel convinced of the advantages the Scotch Church has produced. During a long period nothing but confusion, insurrection, and misery prevailed there; but when this great boon was granted, the aspect of affairs was entirely changed, the storm subsided, the winds fell, the clouds dispersed, and sunshine reappeared. During the 18th century, there never was a country which made more rapid advances in industry, civilization, manufactures, commerce, agriculture, science, and literature, than my native land, and I believe that its prosperity is very much to be ascribed to the ministration of the clergy of the Established Church. The clergy, who are men of education and refinement, mix familiarly with the lower orders; sinecures and pluralities are unknown among them; and they devote themselves exclusively and fervently to the discharge of their sacred duties. There is every reason to think that no established church has more effectually answered the purpose of an establishment than the Church of Scotland. For that reason it has attracted the respect and reverence of all who have regarded the manner in which it has discharged its duties and influenced the public welfare. I am sure that there is no Member of your Lordships House who will not be disposed to show it every mark of favour and respect. The venerable head of the Church of England, a pastor of whom any church might be proud, since he displays and exercises so unostentatiously but so effectually all the Christian virtues, has evinced no narrow-minded zeal, no spirit of bigotry, no desire to unchurch a nation, no wish to deny that the Church of Scotland is truly a church of Christ. I hold in my hand an extract of a letter from him which thus speaks of the Church of Scotland, and as it has been printed, I am guilty of no breach of confidence in reading it:—

> "I have always felt that any interference on my part in the concerns of the Scottish Church would be liable to misconstruction, and have therefore taken no part in discussions relating to them; but my earnest desire for the restoration of harmony in a church, which has so many claims to respect, will, I am certain, excuse me in your eyes, for expressing this sentiment to you,"

The Lord Bishop of London, a Prelate most vigorously zealous in the cause of true religion has expressed himself in similar terms. The noble and learned Lord, lately upon the Woolsack, (Lord Cottenham) when giving judgment on the first Auchterarder case, expressed himself as follows:—

> "Having now discharged the duty of delivering my opinion upon the matter in contest, I may, before I conclude, be permitted to express the high respect I have always felt for the clergy of Scotland. Much has been said in their praise, I am satisfied they deserve it all, and that the parochial duties are in general performed in a manner the most exemplary and beneficial for the inhabitants."

My noble and learned Friend who joined in giving judgment on the occasion, and who presided on the Woolsack for some years, expressed himself more warmly: with great distinction, Lord Brougham said—

> "I have the most profound veneration for that establishment, and it is hereditary in me, as well as personal; I am myself sprung from some of the most venerable and most learned Members of that establishment—sprung directly from them, as well as knit to them by collateral connection. I cannot be indifferent to its welfare, or deaf to its claims, or in the slightest degree prepared to treat it with any other than the most affectionate reverence."

In short, all who have had occasion to state their sentiments on this subject have joined in the same opinion. The noble Earl who sits on the opposite bench, now Secretary of State for Foreign Affairs, has always avowed his devoted attachment to that church, and has exerted himself to rescue it from its difficulties. My noble Friend at the head of the late Government, though he did not think it right to legislate on the subject, always spoke of the Church of Scotland in the most respectful terms; and there is present a noble Duke, (the Duke of Argyle) lineally descended from those who were the founders of the Church of Scotland, and who bled in its cause, and that noble Duke as might be expected, has ever shown the most earnest zeal in its defence and support. A noble Friend of mine, a noble Marquess (the Marquess of Breadalbane) only detained from the House on the occasion by circumstances he could not control, has proved himself its fearless champion. When such is the character of this church, and such are the feelings with which it is regarded by noble Lords both spiritual and lay, who do not belong to its communion, would it not be a very great calamity if the national establishment should be destroyed? It would be a great calamity undoubtedly for Scotland, and there would be great danger he apprehended that if the Church of Scotland were overturned, the Church of England might be less secure than happily it is now. I have always looked with the greatest respect to the Church of England, which deservedly possesses the affectionate regards and veneration of the vast majority of the people of this country. It is adapted to their habits, it meets their wishes, and I believe, in a most excellent manner, it answers the ends for which it is established. But there is great danger to be apprehended should the Established Church of Scotland be upset. With the religious, the civil institutions of the country are united and were the Church destroyed, the constitution under which we live might share the fate of the Scotch establishment. To ward off such a calamity I am sure there will be every disposition to comply with the request which the Church has made, and to grant her all which can tend to her permanent welfare, and so far as is consistent with subordination and the good order of society. To a certain extent, it seems to me, that without danger you may comply with the wishes of that establishment. I have read with great care the letter of Sir James Graham to the Moderator of the general assembly, and I hold it to be as has already been stated by a very high authority is a very statesmanlike production; but there is one passage in it, to which reference has been frequently made, and which, I think, shows that the right hon. Baronet was mistaken with regard to the state of the law as it now exits. Sir James Graham represents that, according to the existing law, when a presentee is presented to a living, although he might be unexceptionable in point of literature, and morals, orthodoxy, objections might be made to him on the ground that he was not suitable to the parish, and that the Presbytery may, if they think fit, give effect to that objection. Now it is very possible that such a change of the law as that may be very desirable —on that head I offer no opinion; but assuredly this is not now the law. My noble and learned Friend whose opinions I have already quoted, said it was not the law, and I conceive, I can scarcely have much higher authority. I will with your Lordships permission read what Sir James Graham says upon that subject:—

"The licentiate, when presented, is taken on trials by the Presbytery; his qualifications are tested; if he be not fit and suitable to the congregation, objections are stated; reasons are heard, of which the Presbytery alone may judge; and although presentation is a civil right, examination belongs exclusively to the church court. It is open to the Presbytery acting as judges, with the sense of their moral responsibility attaching on them, either to give effect to objections on cause shown, or to overrule them; making in both cases a judicial deliverance."

I think Sir James Graham mistook the law when he penned that sentence. When the first Auchterarder case was decided, my noble and learned Friend, who was then on the Woolsack (Lord Cottenham) expressed himself in these terms:—

"There is no allusion in any of these statutes to any authority intervening in the settlement of a minister between the presentation by the patron and the admission by the Presbytery if the presentee be a qualified person, which qualification is clearly personal, and of which, indeed, the Church was to judge, but 'was bound and astricted' to receive and admit any person presented who should be qualified."

My noble and learned Friend thus clearly expressed his opinion, that the qualification is personal, that it is not a question of suitableness in regard to a particular parish, but whether the presentee be qualified in learning, morals, and doctrine. Then my noble and learned Friend behind me (Lord Brougham) who governed in that judgment, gave his opinion in these words:—

"Supposing we admit it to be desirable that a harmonious settlement should always take place, that is a totally different consideration from the question of right. The law is not so. The word 'qualified' does not mean that; it does not comprise the qualification of popular favour. The word 'qualified' means something else. It means a qualification in literature, life, and morals, to be judged of by the Presbytery."

I presume, that my noble and learned Friend on the Woolsack concurs in these opinions. With regard to the qualifications in literature, morals, and orthodoxy, the Presbytery is to judge absolutely and exclusively. From their judgment there is no appeal whatsoever to any civil court, but with regard to the fitness of the individual for the particular parish, as the law now stands, I contend that they have no jurisdiction. Now, I should for one be well pleased to see that jurisdiction conferred. *De facto*, to a certain degree, it has existed and been acted upon. Your Lordships are aware that the practice for the last 130 years has been, that when the presentation has been made to the Presbytery, the person presented is appointed to preach before the congregation. A day is then named to ascertain whether the parishioners approved of "the call," as it is termed, and those who do approve of it sign the "call," which is presented to the Presbytery, and upon that "call" the Presbytery proceeds; and if the presentee is in other respects qualified, he is inducted. That has been to a certain extent the practice; but it turns out that looking at the act of Parliament, and to precedents, this practice is not founded on the law and statutes of the country; and the law really is, that provided there be no objection taken to the presentee, in point of literature, morals, and orthodoxy, the Presbytery is bound and astricted to admit the presentee. While I assert this to be now the law, I, for one, should be extremely desirous to see by law the parish vested with some control, that some guard should be devised against the abuses of patronage, and that some plan should be framed whereby the presentee should be ascertained to be "suitable" to the parish to which he is appointed. And I must add, that when the Church of Scotland shall show a becoming respect for the law,—shall lay aside the threatening attitude it has now assumed, and be contented to come to the Legislature for an alteration of the law, to enable it more effectually to obtain the objects for which it was instituted, I shall for one be most zealous to support it. I do not mean to say that the Veto law as passed by the General Assembly, could enable the Church to gain its object. I was not in the slightest degree consulted before that Veto law was passed. I heard nothing of it until it was brought before the General Assembly; and, considering that it was brought forward by Lord Moncrief, I certainly for a moment was led away, and supposed that it was well adapted to gain the object the clergy had in view. Even if such a measure were pressed, I believe there is no chance of its passing the two Houses of Parliament; and if it were adopted, I candidly confess I think it would not answer the purposes of those who proposed it. What is that Veto law?—It requires when the presentee is presented by the patron, that he preach twice before the congregation, to whom he may be an entire stranger, and who may never even have heard his name before. After he has preached and gone through other offices, all those who are heads of families in the parish in communion with the Church, and none others—the male heads of families—are to meet in the parish vestry, and if a bare majority disapprove of him (the presentee), and they simply say so, without assigning any reason for their dissent, the dissent of that bare majority is actually binding upon the Presbytery, and the Presbytery is bound to refuse him, although it may have the highest opinion of his talent, learning, disposition, piety, and suitability for the parish. This, my Lords, is not reasonable. It does not at all give security to the parish against having a minister intruded upon them whom they may dislike, because it is not a majority of the congregation who are to decide. The female sex are entirely excluded, and it is only the male sex who happen to be the heads of families in the parish, who are to give an opinion. The Presbytery is therefore deprived of exercising any judgment; and there might, under the operation of the act be, without any reason for the disapproval being assigned, a capricious rejection of a candidate who might really be qualified, and who, if tried, might be acceptable to the congregation generally, although, perhaps, not so to the majority of male heads of families. Under the act of 1690, by which the patrons were deprived for a time, and their right of presenting was vested in the Kirk session and the heritors, the person named was to be presented to the parishioners, who were bound to assign reasons for disapproval, upon which reasons assigned the Presbytery proceeded to admit or reject him. But the mode of rejection without reason that was contained in the provisions of the Veto Act is wholly unprecedented, and might lead to the strangest consequences. It is giving the heads of families the power to act in the spirit of the old epigram:—

"Non amo te, Sabidi, nec possum dicere quare;
Hoc tantum possum dicere, non amo te."

"I do not love thee, Dr. Fell,
The reason why I cannot tell;
But this at least; I know full well,
I do not love thee, Dr. Fell."

The noble Earl opposite (the Earl of Aberdeen), when he brought forward his motion on this subject, expressed his fears of the great danger there was of conferring too large powers on the Church. I am afraid that we shall always be exposed to one of two evils—either of giving too much power to the Church, or of giving too great a power to the people. The Presbytery ought not only to look to the personal qualification of the presentee as it is now restricted to do, but also to see whether the presentee be suitable to the parish to which he is appointed. I have no objection to let that point be decided by the Presbytery. I am not afraid that in the face of the country, and subject to public opinion, there is any reason to apprehend any great abuse of such a power, therefore my third resolution will be merely expressing an opinion on the part of your Lordships'.

> "That, with a view to heal the unhappy divisions which now exist in the Church of Scotland, and to give contentment to the said Church, this House is of opinion, that the demands of the said Church, contained in the papers laid before this House, should be conceded by the Legislature, as far as the same can be safely conceded consistently with the permanent welfare of the said Church, and the existence of subordination and good government in the country; and, therefore, when any measures for correcting the alleged abuses of patronage in Scotland, and insuring the appointment and admission of ministers properly qualified for the parishes in which they are to officiate and to edify the congregations to whom they are to minister in holy things, shall be constitutionally brought before this House, as a branch of the Legislature, this House will favourably entertain the same, and anxiously endeavour that the end of such measures may be attained."

I believe that such a measure ought to content the Church of Scotland, because the powers of the parishioners and of the Presbytery will thereby be considerably enlarged, above what they had been in past times. Beyond that concession I think your Lordships cannot safely go. You may acquire popularity for a moment; but further concession, I believe, would ultimately lead to the subversion of the Church. It has been demanded, on the part of the Church, that patronage should be abolished. In the petition from the General Assembly, it is stated that patronage is a grievance and that it ought to be abolished. That demand seems to me to be highly unreasonable, and in my opinion highly inexpedient. Patronage is mentioned in the most ancient documents treating of the constitution of the Church. It is spoken of in the *Regem Magestatem* a book of almost unknown antiquity; and it is there laid down that the patron shall present a qualified person to the living, and that the qualified person so presented must be admitted to the living. So the law continued to the time of the Reformation. At that time a reservation of patronage was made an express condition of the Established Church. By the act passed in 1592, there was a solemn engagement on the part of the Church, that the right of patronage should be preserved, and that the Presbytery should admit qualified persons, who may be presented to them. In 1649, the right of patronage was abolished, but that was when monarchy was subverted. It would be vain to refer to that as a precedent. We might as well quote the acts collected by Scobell, which were passed in England when the King was driven from the throne. But whatever may be considered the effect of what was done in 1649, upon the restoration of the monarchy, patronage was restored. Lay patrons were invested by law with the right of presentation, and it so continued till the year 1690, when the patronage was transferred to the heritors and Kirk session, who were to present, but the Presbytery was to judge of objections assigned. I believe that was the worst system that was ever projected. It led to great confusion and great discontent. According to the act of 1690, the advowson was to be purchased at a certain price, and the individual who was then the patron, lost his right. This lasted from 1690 to 1711. But how often did the Church put that law in force? In three instances only was the advowson purchased from the patron. There was every reason to believe, that in the interval I have mentioned, many mischiefs arose, and so in the present day no doubt the returning to that law would give rise to many serious evils. In 1711, the act of 1690 was repealed, and the patrons were restored to their rights. It is idle after a period of 130 years, during which time that act has been acquiesced in, to pretend to say that it is not the law. It was an act passed by Lords and Commons, and one which received the royal assent, and has been from that time to the present the law of the land. And upon the whole, I believe, it has worked well, and has been the means of providing the parishes of Scotland with a succession of clergymen eminent for piety, learning, morality, and zeal. There are about one-third of the livings of Scotland vested in the Crown. I believe that the patronage of the Crown has been exceedingly well exercised. I can speak of my own knowledge, that while the present Prime Minister was Home Secretary, he gave the greatest satisfaction by his appointments when any livings became vacant. I have, on all occasions, borne testimony to the fact, and, I believe, that his system of filling up the livings still gave satisfaction to the country and to the Church. So also when Lord John Russell was Secretary of State, the manner in which the Crown patronage was exercised gave great satisfaction; and I believe that the lay patrons, with some few exceptions, have bestowed their patronage from conscientious motives, and not from corruption. The crime of simony, indeed, is a vice wholly unknown in Scotland. There may have been presentees more or less worthy; but I believe, upon the whole, that the power of patronage has been very reasonably and very beneficially exercised. At all events, I am sure that the present Ministers of the Church of Scotland have no reason to object to the existing system. Those Ministers I believe to be very exemplary for their piety, learning, zeal, and orthodoxy. But how did they get their appointments? Was it not by patronage? And they themselves having been inducted under the system of patronage, I think it is scarcely reasonable that they should contend that that system should be abolished. There is nothing in these controversies that has distressed me more than the manner in which the illustrious name of Dr. Robertson has been spoken of by the opponents of the right of patronage. What had that eminent man done? He considered that the law of patronage worked well; he saw that piety and morality were promoted in Scotland by those who were appointed by means of that law, and not being willing to yield to any fanatical feelings, he stood by the law of the land, and reconciled the people to its enactments. In all this what is there, my Lords, to condemn? I then ask you, what reason is there why your Lordships should hesitate to express an opinion against the unreasonable demands which are now made. We are told that, among the Dissenters, the system of election of pastors works very well. I believe it does so. But we are now called upon to legislate or make provision for an endowed Church, where there are manses, glebes, and stipends, provided by the State. I have not heard it suggested what is to be substituted for the present law of patronage. The act of 1690 I am sure would be rejected by your Lordships without hesitation; for if it disqualified Roman Catholics and Jews from being patrons, it lets in Episcopalians, who in former days were looked upon as little better than Papists. An illustrious ancestor of a noble Duke, who sits on the cross bench, said in his dying moments that he hated "popery, prelacy, and all superstition whatever." Then, too, the Presbyterian Dissenters would be admitted, who are sometimes in very ill odour. Indeed, the Presbyterian Dissenters were lately now more odious to the Church of Scotland than the Episcopalians. Then as to the kirk sessions—no one can tell how that is to be regulated. Besides, if you were to return to the act of 1690, it would work worse now than it did between the years 1690 and 1711, because property is now much more subdivided. Not, perhaps, so much so in the south of Scotland, where the noble Duke opposite (the Duke of Buccleuch) possesses a principality and is the sole inheritor of a good many counties. [A noble *Lord*, "parishes you mean"]; but in other parishes, where property has been very much subdivided, the adoption of that act would introduce the system of a popular election; and that is a system which I do not think your Lordships would be inclined to adopt. Is it, I would ask, one which would meet with your Lordships' approbation? Were it to be established, I fear you would witness all the evils which have been experienced, and which we now deplore in this country in the election of Members of Parliament. There would be bribery and intimidation, and all the arts resorted to which now are practised at popular parliamentary elections, every parish in turn, and the whole country in the end, would be demoralised, and the sacred office of a minister of the Gospel be desecrated in the struggle. I humbly apprehend that the present system, subject to the extension of the powers of the Presbytery which I have mentioned, and which I am perfectly willing to concede, is the best that can be established. The Church of Scotland has at length intimated that the abolition of patronage is not a *sine quâ non*. The clergy do not absolutely insist upon it, though they earnestly wish it; but now I come to what is a *sine quâ non*, and that is with respect to the jurisdiction of the spiritual courts. They say that no civil court whatsoever shall question any decree made by the Church courts, and that the Church courts shall be allowed to define their own jurisdiction, and act without any responsibility. Your Lordships are aware that the Church of Scotland has a legislative power within certain limits, beyond what even the two

Houses of the Legislature possess: for the Church of Scotland has the power to make an act which does not require the sanction of the Crown, or of the state in any respect. If then your Lordships should couple this legislative power with the claim of exclusive jurisdiction they now set up, namely, that their courts shall never be questioned in respect to anything they do—see what a tyrannical body you would be establishing. This *sine quâ non*, I believe with all rational men, is wholly inadmissible. Looking at the votes of the other House of Parliament, we see that there was on a division a minority of 73, that were for entering into a committee to consider the present state of the Church of Scotland; now, my firm belief is, that out of those 73 persons there would not be found three who would join in saying that this claim, on the part of the Church of Scotland, should for one instant be admitted. In order to shew that I do not overstate the claim of the Church of Scotland, I will advert to one instance only. In their petition, the General Assembly mention, as matters of grievance, the two decisions of your Lordships' House in the Auchterarder case. They do not say that your Lordships decided contrary to law, but they say that the law, as declared by your Lordships, cannot be endured. Now, what was the first Auchterarder case? The Earl of Kinnoul, being the patron of the living, presented a gentleman of the name of Young. The Veto-law was acted upon by the heritors, and a majority of the heads of families in communion of the Church, without assigning any reason whatsoever, vetoed Mr. Young, and the Presbytery, without any reason having been assigned, were obliged to give effect to that veto, although it was probable they felt that Mr. Young was a most unexceptionable man in morals, learning, piety, and zeal. But upon the sole ground that because he was vetoed by the heads of the parish, they refused to take Mr. Young upon his "trials." They did not consider whether he was qualified or not. They considered that the rejection by the heads of families was imperative upon them, and they refused to take him upon his "trials." An action was brought in the Court of Session, simply because they refused to take him upon his "trials." Without disputing the jurisdiction that, if the Presbytery found him unfit, they might reject him, the court held that the Presbytery were bound to take him on his trials. There was an appeal to your Lordships' House; and your Lordships adopted the decision of the Court of Session, and adjudged that the Presbytery were bound to take the presentee on "his trials." [The *Lord Chancellor*: They were parties to that decision.] They were parties to that decision, and they called upon you to establish their plea, and to set aside the judgment of the Court of Session. But your Lordships affirmed the judgment of that court. What was the next proceeding? The Presbytery was called upon to obey the order of your Lordships' House, and to take Mr. Young on his "trials." They said, "No; we will set at defiance the Court of Session, and the House of Lords, and we will adhere to the Veto-law, which the House of Lords have declared to be illegal." An action was brought against the individuals who refused to take Mr. Young on trial—who refused, without inquiry or cause assigned, to admit him to the fruits of the benefice to which he had been appointed. Mr. Young sought redress from the civil courts of his country. The question was, whether the persons who had disobeyed the law, as laid down by the Court of Session, and confirmed by the House of Lords, were so guilty of a wrong towards the individual whom they refused to induct, as to render them liable to make compensation for the loss which that individual sustained in consequence of their contumacy? The Court of Session held that they were liable. The Church party then appealed to this House. My noble and learned Friend upon the Woolsack presided: all who heard the case in this House were of opinion that the case of the plaintiff in the action was good, and the decision of the Court of Session right. All agreed that the defendants in the action were liable, and accordingly the judgment of the Court of Session was confirmed. The Church now complains of that judgment, and asserts that it is a law which the Church cannot endure. Now what is the law which the Church pronounces intolerable? Your Lordships declare that the Veto Act passed by the General Assembly was contrary to an Act of Parliament—that the Church ought not to obey the Veto Act—but ought to repeal it. The leaders of the Church set this House and the Court of Session at defiance. They say that the Court of Session ought not to have questioned what they did either upon their first or their second refusal to admit Mr. Young to the benefice to which he had been appointed. They say that the Church is wholly irresponsible. Is not this saying that their legislative power must not be questioned? Is it not saying that what they have decided in their courts, although contrary to law, and leading to injury of one of her Majesty's subjects, shall not be questioned? Is that, my Lords, to be endured? Will you assent to a law which is to make the Church courts of Scotland altogether irresponsible to the civil power? The greatest delusion exists in Scotland upon this subject, and it is my most anxious wish to assist, if possible, in dispelling the delusion. Such an irresponsibility is wholly unnecessary for the independence and usefulness of this church. It is unknown in this country—it is unknown in any Christian land. In England, when the spiritual courts exceed their jurisdiction, they are stayed in their progress and set right by the civil courts. If any dispute arise as to the extent of their jurisdiction, a prohibition is issued by the Court of Queen's Bench. And who decide the question in dispute? First the courts of Westminster-hall; and then, by writ of error or appeal, the case is brought before your Lordships' House, and you determine the limits of the jurisdiction of the two courts, spiritual and temporal. More than that, my Lords, in England, when the ecclesiastical courts are proceeding to excommunicate or to deprive upon grounds that are not within their jurisdiction, the civil courts interpose. We have a very recent instance of this in the case of a certain Dr. Free. The ecclesiastical courts were proceeding to deprive Dr. Free upon several grounds—some of them within their jurisdiction, others beyond their jurisdiction. The Court of Queen's Bench interposed. The Court of Queen's Bench said it would not interfere with the exercise of the jurisdiction of the ecclesiastical courts upon any grounds of a spiritual character upon which they sought to deprive Dr. Free; but upon those grounds which were not of a spiritual character they forbade the ecclesiastical courts by prohibition to proceed. But then it is said that all this proceeds upon the ground that the Queen, in England, is the head of the Church. Upon this point there exists in Scotland the greatest possible misapprehension. It is thought that the Sovereign, as head of the Church of England, has an absolute and undisputed sway over the affairs of the Church. Your Lordships very well know that prior to the Reformation there was an appeal from spiritual courts, to the Pope, but afterwards the appeal was given to certain commissioners appointed by the Crown. Instead of the Pope giving his sanction to canons passed in Convocation, that sanction was given by the Crown. But the Sovereign of this country cannot at all interfere with the Church as established by law. The Queen cannot alter the book of the Common Prayer. Even that prayer which we all pronounce with earnest and heartfelt devotion—the prayer for the young prince of Wales—was introduced into the Liturgy not by the command or the authority of the Queen, but by special authority given to the Crown by act of Parliament. In England our blessed Saviour is the spiritual head of the Church, just as much as in Scotland; it is only in respect to jurisdiction that the Sovereign is considered the head of the church. From the most remote times, centuries and centuries before the Reformation, the process of prohibition was just as familiar in England as it is at this moment. At all times, and even in the most palmy days of Popery whenever the ecclesiastical courts exceeded their jurisdiction they were corrected by the civil courts of Westminster-hall. Bracton, the most ancient writer upon the subject, says:—

> "Si judex ecclesiasticus palam ponens in messem alienam aliquid presumpserit contra coronam et dignitatem regiam, pœna debita puniatur;"

And the form of prohibition is given most distinctly. Even Thomas à Becket was obliged to submit to the law of the land in this respect. Thomas à Becket had unlawfully excommunicated a vassal of the Crown. He was obliged to rescind the excommunication and obey the law. By the Constitutions of Clarendon, which he had sworn to obey, it was especially provided that the ecclesiastical courts should not exceed their jurisdiction, and means were pointed out to keep them within it. When we come to the reign of Edward 1st, we find that in the 13th year of the reign of that monarch an act was passed, which says that there shall be no prohibition from the civil courts when the ecclesiastical courts are proceeding for church rates, or for not repairing the church or maintaining the churchyard. But why? Because these were matters that came within the jurisdiction of the ecclesiastical courts—matters which it would be improper for the civil courts to interfere with. Then an act passed in the 18th year of the reign of

Edward 3rd, which I believe is the shortest in the statute books of this country. It is in the form, which then prevailed, of a petition and an answer. What are the words of the petition?—

> "Plures de populo supplicant Domino Regi et Consilio quod assignentur aliqui de curia, qui cognoscere possunt et mandent Judicibus Ecclesiasticis, in quibus casibus supersedere debent pro prohibitione, et in quibus procedere, prohibitione non obstante."

Very well! Then the problem was to determine in what cases the ecclesiastical courts should be stayed by prohibition, and who was to define the limits of those courts. The answer, as exhibited in the act, was this:—

> "Responsio.—Cancellarius vel Justiciarius habeat inde potestatem."

The jurisdiction to determine the extent to which the ecclesiastical courts should be allowed to go was to be exercised by the Lord Chancellor or the Chief Justice of the King's Bench. This course has been uniformly pursued from that time to the present. I have been at some pains to obtain correct information how this matter is treated on the Continent of Europe; and for that purpose I have consulted my friend Mr. James Hope, one of the most learned canonists that ever lived. He has been kind enough to assist me; and we find that the very same system prevails in all Roman Catholic countries, and in all Protestant countries. I will tell your Lordships how the matter stands in Roman Catholic countries—in Austria, Sardinia, and Tuscany. In those countries they will not allow any bull or canon to be published until it has received the authority of the state. So far as regards the power of publication. Then, whenever the ecclesiastical courts exceed their jurisdiction, there is in each of the countries I have named an appeal to the civil courts. This, indeed, is universal. France is, perhaps, the most distinguished country in the world for its jurisprudence. I beg to state to your Lordships one or two authorities from the law of France upon this subject. There is a book of great authority upon these matters by Peter de Marca, Archbishop of Paris, entitled

> "De Concordia Sacerdotii et Imperii, seu de Libertatibus Ecclesiæ Gallicanæ."

In this book there is a chapter upon appeals from the ecclesiastical courts, and Peter de Marca lays it down most distinctly, that whenever the ecclesiastical courts exceed their jurisdiction there is an appeal to the Parliaments. I will just read to your Lordships a single passage from this chapter:

> "Si autem Episcopi jurisdictionem sæcularem usurpare contendant, lite per hanc appellationem ad curias devolutâ, ab invasione arcentur. Eo jure olim usos esse principes nostros testatum fecimus. Quem morem secuti sunt posteri. Hoc jure utuntur Reges in republicâ, Christianâ adversus auctoritatem ecclesiasticum quando de jurisdictione læsa controversiæ oriuntur."

Whenever there is any controversy respecting the authority of the ecclesiastical courts, then by this appeal the controversy is to be adjudicated. There is another book, written by a great French authority, to which I beg for a moment to direct your Lordships' attention. It is a work upon the Ecclesiastical Laws of France, written by M. Hericourt. I find in it this passage:—

> "The King being the defender of temporal jurisdiction, the conservator of the holy canons received in the kingdom, and the defender of the liberties of the Gallican church, has confided his authority over these important subjects to the Parliaments. For this reason application is made to them, by way of appeal in case of abuse, when the ecclesiastical judge has encroached on the temporal jurisdiction, and abused the jurisdiction which he exercises under the protection of the king. This ought to be observed in all the Parliaments of the kingdom."

I will mention only one other authority, which is to be found in the celebrated declaration of the liberties of the French church. In that declaration your Lordships will find these words:—

> "The courts of Parliament, in case of appeals as from abuse, have right and power to declare null, void, and to revoke the Pope's bulls and excommunications, and to forbid the execution of them, when they are found contrary to sacred decrees, the liberties of the French church, or the prerogative royal."

M. Geston, the principal of the University of Paris, lays down precisely the same law with respect to appeal in cases of abuse. He says,

> "Ut si excommunicare velit illos qui Regiis Edictis rationabilibus obediunt. Notavit hæc Innocentius et habetur fundimentum ex infallibili Lege Divinâ et naturali."

In Ireland, where the Pope's power prevailed to a very great extent, I can give your Lordships an instance of what occurred in Popish times.

"In the year 1346, the Archbishop of Cashel and his suffragans opposed the levying throughout his province of a subsidy granted by Parliament, and decreed that every clergyman paying it should be deprived of his benefice, and his tenants making payment should be *ipso facto* excommunicated; and they farther excommunicated all who had advised or granted it, including the King's commissioner for gathering it in. Now here was the spiritual sentence of excommunication. For any ecclesiastical offence within the cognizance of the church, the civil court could not have interfered, even although the sentence had been unjust. But since the excommunication was not for any ecclesiastical offence, but for obedience to the law, the civil court was entitled to take cognizance of what interfered with the royal prerogative and the majesty of the law, and was bound to protect the subjects of the State from the injustice intended because of the obedience they were disposed to pay to the supreme power. Accordingly, for this offence an information was exhibited in the King's Court against the archbishop, and he was found guilty; and the other confederating bishops were also found guilty on the like information."

In Scotland, the practice has been precisely the same. I will give your Lordships an example, which occurred in the reign of James the Fourth of Scotland, in the year 1494. In that year the Bishop of Galloway chose to excommunicate the Sheriff of Wigton under these circumstances: The Sheriff of Wigton had distrained a man's lands and goods for the sum of 40*l.*, awarded against him in the Justice Ayre of Wigton. The Bishop of Galloway led a process of excommunication against the sheriff and his officers for so doing. The exercise of the jurisdiction was exclusively ecclesiastical. Yet for this exercise of his power of excommunication the bishop was called before the Lords of Session. They adjudged

"That the King's Hienes is greatly injurit in the leading of the said process against his officiaris in the executioun of their office, and therefore referres the convictioun and punising thereof to the King's Hienes, and counsales his good grace to provide for remeid thereintill, that it may be example to utheris in tyme King's officiaris in the executioun of justice."

Thus it will be seen that the bishop was prosecuted before the Privy Council; was found guilty, and punished. So the law continued down to the time of the Reformation; and at the time of the Reformation was there any desire amongst the Reformers to alter this practice? Was any disposition manifested to say that the civil courts should not interpose where there was a clear excess of jurisdiction on the part of the ecclesiastical courts? I have here the words of Calvin himself. What does he say?

"Est igitur ecclesiastica potestas non malignè quidem *ornanda*, sed includenda certis finibus; ne pro hominum libidine huc atque illuc trahatur. Nam, si simpliciter hominibus concedimus, quam sumere ipsis visum fuerit potestatem omnibus in promptu est, quam sit proclivis in tyrannidem lapsus, quæ procul a Christi Ecclesiâ abesse debet."

John Knox, the great founder of the Church of Scotland, entertained precisely the same sentiments. In the confession of faith which was framed by him, or under his auspices, it is thus laid down:

"Mairover to kings, princes, rulers, and magistrates, we affirme that chieflie and most coming not to mak stop nor impediment to the principallie the conversatioun and purgation of the religion belongs, so that not onlie they are appointed for civil policie, bot also for maintenance of true religioun, and for suppressing of idolatraie and superstitioun whatsoever . . . .; and therefore wee confess and avow, that sik as resist the supreme power, doing that thing quhilk appertains to his charge, do resist Goddis ordinance, and therefore cannot be guiltles."

Furthermore, in a work which Knox published under his own name, he lays down exactly the same view. He says:—

"It is lawful to God's prophets, and to preachers of Christ Jesus, to appeal from the sentence and judgment of the visible church to the knowledge of the temporal magistrate, who, by God's law, is bound to hear their causes, and to defend them from tyranny. It pertains to the prince, if there arise controversies among the pastors, to compose and agree the same by his authority interposed."

Then in the First Book of Discipline I find this passage:—

"The civil power should command the spiritual to exercise and to do their office according to the word of God. The magistrate neither ought to preach, minister the sacraments, nor execute the censures of the kirk, nor yet prescribe any rule how it should be done, but command the ministers to observe the rule commanded in the word, and punish the trangressors with civil pains."

This subject is so very important, that I trust your Lordships will excuse me if I read two or three other passages from the works of the reformers, and founders of the Church of Scotland. One of the most distinguished of them is Rutherfurd, who says:—

"The Church proceeding in these things that are against common justice in all adjudicatories, no less than in the Church, or to do manifest injustice in the manner of proceeding, leaveth a clear place to the wronged party, by the law of nature, if not to appeal, yet to flee and have recourse to the Christian magistrate, who is *Parens Patriæ* the father of the common wealth . . . . Yea, and the Christian King has a coactive power over all men, even pastors, as to cause them do their Christian duties; he hath power to compel Churchmen in assemblies to determine truth, and to use the keys right, and to preach and use the sacraments according as Christ hath commanded in his word, and to punish them when they do otherwise. We deny not but the prince may command the pastor to preach, and the Synod and Presbytery to use the keys of Christ's kingdom, according to the rules of the word; but this is but a civill subjection, though the object be spirituall."

Andrew Melville writes to exactly the same effect. I will not trouble your Lordships with any extracts from his works; but I may mention that Bramhall, another eminent divine, who flourished at that time, says:—

"The Romanists themselves do acknowledge that sovereign princes, by the law of God and nature, not only may, but are in justice obliged to oppose the tyranny of ecclesiastical judges, and to protect and free their subjects from their violence and oppression."

Again, in the Westminster Confession of Faith, which is the foundation of the doctrine and discipline of the Church of Scotland, we find these words:—

"The civil magistrate may not assume to himself the administration of the word and sacraments to the power of the keyes of the kingdom of heaven; yet he hath authoritie, and it is his dutie to take order that unitie and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed; and all the ordinances of God duly settled, administered, and observed."

After looking to these authorities, with respect to the Church of Scotland itself—with respect to the opinions and declarations of the founders of that Church—those who are looked up to with so much veneration and respect, it does amaze me to find that now, in the nineteenth century, such a demand should be made as that there shall in no case be an appeal from the Church courts to the civil courts of the land. But, then, we have this strange conundrum, for really it deserves no better name:—The Scotch ecclesiastical courts say that they are to do whatever they like, to admit whom they please, to depose whom they please, to excommunicate whom they please. But then they say that what they do is not to be binding in the civil courts, and that it is only with regard to the spiritual office, and not with regard to temporalities of the living, that their jurisdiction is to be unbounded. According to this there may be a separation between the benefice and the cure, between the temporalities and the spiritual office, so that you may have in every parish in Scotland one person employed in the spiritual ministration of the benefice, and another person in the enjoyment of the temporalities. But what, according to this doctrine, is to become of a person in the situation of Mr. Young?—because he never can get at his temporalities. It is clear law, that until he is admitted by the presbytery, he has no right to the profits of the benefice. The Church courts say that they will admit whom they please to the spiritual office. Then how is Mr. Young to get the profits of his living? But, suppose that a man is once inducted into a living and is performing the duties of it, is he to be deprived of his spiritual office upon grounds that are not at all of a spiritual character? May the General Assembly pass a law to say, that if any man takes the oath of allegiance he shall be deprived of his spiritual office. But it is not merely the temporalities of the living that are involved in this question. A minister of the Church of Scotland has a *status* in the Church and a position in society which calls for the performance of duties of a civil as well as of an ecclesiastical nature. The ministers in Scotland are bound to examine schools, to look to the repair of manses and churches, and to perform various other civil duties which are vested in them. How are these duties to be performed when you have a spiritual clergyman and a temporal clergyman in half of the parishes of Scotland? I cannot better characterise this motion than by reading to your Lordships a sentence from the work of Sir Henry Moncrieff, a great ornament of the Church of Scotland, and father of the present Lord Moncrieff, whose family for several generations have displayed great talent and genius. What does Sir Henry Moncrieff say? These are his words:—

"No greater absurdity can be imagined than that it could ever have been in the contemplation of the law, that a benefice should, in any circumstances, be separated from the pastoral care to which it is attached."

Then will your Lordships join with me in saying, that this extravagant demand on the part of the Church of Scotland ought not to be acceded to? I have read a great deal of what has occurred in Scotland upon this subject, and I find that they compare the dispute between the ecclesiastical court and the civil courts of that country to the dispute between the other House of Parliament and the courts of Westminster, at the same time, totally misunderstanding and perverting the question of Parliamentary privilege. Your Lordships will not suppose that I am now going to enter upon that question. I am not going to say whether the courts of Westminster Hall were right, or whether the House of Commons was right; but I am sure that the Church of Scotland is entirely wrong in supposing that there is the slightest analogy between their case and that of the House of Commons. It was never supposed by anybody in England that the House of Commons and the Court of Queen's Bench were co-ordinate courts that might go on in parallel lines, each determining according to its own view of what was right *ad infinitum*. The struggle between the House and the court was for superiority of jurisdiction. The House of Commons said, that the Court of Queen's Bench had no jurisdiction in the matter in dispute. The Court of Queen's Bench, on the contrary, said that a resolution of the House of Commons was not at all to be regarded; that they (the judges of the Queen's Bench), would look to see what the privilege of Parliament was; that they would not take their notion of what might be Parliamentary privilege from a resolution of the House of Commons. It was throughout a contest for superiority—a contest to know which of the two tribunals was properly vested with the administration of the law upon the matter in dispute. It was not in any respect a question between two co-ordinate courts of co-equal jurisdiction, the one not being able to control the other; it was a contest for superiority, neither admitting any equality on the part of the other. The supposed analogy between the case of the Church of Scotland and the case of the House of Commons has greatly misled my countrymen in Scotland. There has been hardly a discussion upon this subject in Scotland, in which this mistaken comparison between the two cases has not been conspicuously put forward, und earnestly dwelt upon. This has proceeded from an utter misapprehension of the case of the House of Commons. Then if the demand of the Church of Scotland is one which is unreasonable, which is unprecedented, and which (if conceded) would be mischievous, I think your Lordships will do well to express your opinion that it ought not to be granted; after which I trust it would be abandoned. This total independence and irresponsibility of the Church courts is the great bone of contention—it is upon this that the disruption is to take place—this is the rock upon which the Church of Scotland is to be wrecked; they will give up (as I understand) even the veto—they will give up patronage, but this they will not give up. Now, I humbly apprehend, that upon consideration they will see that this demand is wholly unreasonable; that it is condemned by all men who take the trouble rationally to consider the subject; and that it cannot be granted, because it would only lead to confusion and ruin. There is at all times great danger from encroachments of this nature, emanating from the ecclesiastical power. See how far they have at different periods been carried by the Church of Rome. Originally all questions of marriage were determined by the civil courts; but presently the Church of Rome stepped in, and claimed the jurisdiction, as upon a matter touching the welfare of the soul. The Church said, "We must see whether the parties in the case are living lawfully together, or in a state of fornication." This right of interference once admitted, the Church acquired a jurisdiction to determine what was marriage, and what was not marriage. Thenceforward it was in the ecclesiastical courts that all matters of marriage were determined; they became the judges of divorce, and decided whether for adultery or any other cause a marriage should be dissolved. Then, for the good of the soul of the dead, the priest said he would take care of the property that was left. This gave to the church a jurisdiction over wills and all matters of a testamentary nature; and to this day we go to the ecclesiastical courts for administration or probate of wills. Then the church said, that it was not good for a man's soul that he should malign his neighbour, and consequently suits for defamation were brought before the ecclesiastical courts, and *pro salute animæ*, they sentenced the offenders to stand in a white sheet before the congregation, or to do some other penance for their misdeeds. These encroachments on the part of the ecclesiastical power were going on so rapidly at the time that the Constitutions of Clarendon, to which I have referred, were framed, that they were actually going to take cognizance of actions of debt. They assumed that every debtor had made a promise to pay; and they said that it was not good for a man's soul that he should break his promise; therefore they allowed the creditor to sue the debtor in the ecclesiastical court. In short, the Church by this means was rapidly taking cognizance of all the civil suits in the kingdom, till, by the Constitutions of Clarendon, they were stopped in their progress. Let their Lordships see also the encroachments made by the Church of Rome as regards the power of excommunication. Originally the church said that it had a right to expel from its communion any persons who violated its rules. Upon this the Pope said that he made no distinction between high and low and that he would excommunicate a sovereign as well as a subject. What was the next step? The Pope absolved from their allegiance the subjects of an excommunicated sovereign. What followed? The Pope claimed the power of disposing of the crown of the sovereign whom he had excommunicated. In the present day, such encroachments are not to be dreaded; but unless a stand be made in good time, I should be much afraid of the ecclesiastical power taking another direction, and being found extremely odious, and very oppressive, it might assume to itself the right of prying into all the concerns of private life—of interfering in all domestic matters, and so force itself into a position which would have the effect of making the yoke of the Church galling, and its burthen intolerable. I trust, therefore, if your Lordships shall be pleased to concur in the resolutions which I shall have the honour of placing before you, that the expression of your opinion will open the eyes of those who are so deluded—will bring them to their senses — will rouse them from this dream of irresponsible power, and place them in a situation to accept of the boon which your Lordships are ready to confer upon them. I certainly do not expect that those who are most violent upon the subject will counsel their followers to a return to reason and moderation. I am aware of the injurious way in which they have treated and spoken of those who have urged them to adopt the guidance of temper and reason. Sir George Sinclair, who laboured in their cause for years, has incurred much odium and censure for his moderation. I find, also, that Mr. Rutherford, the Member for Leith, and late Lord Advocate of Scotland —a most learned, able, and honourable man, and one who has laboured most assiduously in the cause of the Church, has of late been subjected, for the same reason, to a torrent of abuse and vituperation. If they had followed Mr. Rutherford's advice, they would have escaped the difficulty and the danger of the position in which they now stand. I deeply lament that, after the decision of this House in the cases to which I adverted in an early part of my speech, the church courts of Scotland did not see the propriety of repealing the veto law. Was it not the duty of the members of the established Church of Scotland, if they meant to continue in that Church, to obey the law as laid down by the highest tribunal in the country. But, instead of that, they remain in the Church, and set the law at defiance. They still act upon the veto law, and have not only refused to admit Mr. Young, and other clergymen who have been appointed, to benefices under similar circumstances; but in the case of the Presbytery of Strathbogie, there being a majority of members in favour of obeying the law, the minority, backed by the Church courts, succeeded in deposing all the ministers. Yet these persons continue, as they say, to be members of the Church, as established by law. The Strathbogie ministers did not stand alone in their deposition. Others have been treated in the same way; and the system now is that all ministers who obey the law are to be deposed in the name of the Lord Jesus Christ. A great secession from the Church is threatened. Between 400 and 500 ministers, I think, are about to quit it. They say they will dissolve the tie between the Church and the State. But, my Lords, I say that they have no power to entertain such a question as that, for, by so doing, they would not only be setting the law at defiance; but it would be something approaching to treason and rebellion. The Church is constituted by law, by acts of the legislature, and what right have they, sitting in a Church court, to say that they will dissolve the connection between Church and State? The supposition is quite preposterous, and I hope will receive no countenance from any quarter. Those individuals may withdraw and secede from the Church, as others did about a century ago. I would suggest to them that they have no ground for so doing. What have they to complain of? What injury have they sustained? What is their grievance? Why, there is a disposition to extend the power of the people in respect to the choice of their pastors, and the power of the Church in seeing that the Ministers are suitable to the parishes to which they are presented. If the Court of Session make decisions which are necessary to be appealed against, there is this House as a court of appeal, and I hope this House deserves the confidence of the people as a court of justice. This House has amongst its Members those who are competent to decide in such cases. Of myself and of my humble efforts to assist your Lordships of course I say nothing, but there is my noble and learned Friend on the Woolsack, who, as a judge, has had no superior — whose great learning and vast abilities cast the brightest lustre upon the Bench, and whose impartiality and integrity as a judge have never been doubted. Then there is my noble and learned Friend near me (Lord Brougham), who to his varied acquirements adds a familiar knowledge of the law of Scotland as well as the law of England. Then there is my other noble and learned Friend (Lord Cottenham), who had sat on the Woolsack, unexcelled since the days of Hardwicke, he also attends the appeals in this House. Why, then, should the Church of Scotland suppose that the law, as it now exists, would not be faithfully administered? If appeals are brought before us, they will be impartially considered, and justice will be dealt on. What ground is there then—what pretence for seceding from the Church, when the law is purely administered, and when the Legislature, instead of encroaching upon the rights of the Church, are disposed to extend them. There has been a decision in another House of Parliament, by which that House declined to enter upon the question of the state of the Church; but that refusal proceeded from no hostility to the Church. On all sides there was the most marked respect and regard expressed for the establishment, and, I believe the same feeling actuated all parties. As I have said, then, the law as it exists will be faithfully administered by your Lordships' House; and if an alteration of the law were to be made, it would be in the direction contended for by the Church of Scotland. I hope, then, that those Gentlemen who think of seceding, will consider the mischief they are about to do. I purposely abstain from making any appeal to their interests, or to their private feelings, for I know that to such considerations they would have no regard, I believe, in their sincerity and zeal, but I would entreat them to consider how, by the course they contemplate, they will endanger the establishment to which they belong. I have, indeed, been told, and I was shocked to hear it, that some of them have said they wished the Church to be subverted, and that they have called that establishment to which they have sworn obedience, "a filthy thing." Let them but consider what a frightful state of society must ensue from a perseverance in their wrong-headed and reckless course. Families divided against themselves, feuds and hostilities in every parish. Why a wound would be inflicted upon the very vitals of society, which I cannot even think of without the greatest dismay. Can they who profess to be charitable and Christian pastors voluntarily consent to be the wanton cause of so much mischief? If they deem their purpose to be right, and their consciences are clear, still let them remember that they may have been misled. Let them not suppose it enough that they believe their object virtuous and their intentions good. I think, indeed, that instead of resorting to a measure so little justified by the circumstances, they would better consult the interests of religion, and better observe the precepts of their Divine Master, by continuing in the Church of their fathers—that Church which has conferred, and which I do hope will ever continue to confer, so many blessings on the country. The noble Lord concluded, by moving the resolutions which had been previously laid before the House. See ante, p. 36.

The Earl of *Aberdeen* addressed the House as follows:—My Lords, I must request permission of the House to state some reasons why I think your Lordships will do well not to concur in the resolutions submitted to you by the noble and learned Lord who has just sat down. Your Lordships' House, and the other House of Parliament, have always been reluctant to come to abstract decisions upon matters not immediately before them, and to the consideration of which they are not compelled by a paramount necessity. In this case I unfortunately know too well the dissensions by which the Church of Scotland is torn, but that church has not now come before the House by any petition. On the contrary, the noble Lord has informed your Lordships, that he is in possession of a petition addressed to this House, which he has not yet presented. Therefore, we may have that petition to deal with in no long time. If, when this petition shall be presented, you meet this body by a series of resolutions such as this, you would tell them you had already judged their case, and surely they would then have reason to complain of the manner in which they had been treated by your Lordships. If agreeing to these resolutions could in any way tend to remove the differences which exist in Scotland, and to improve the condition in which the Church at present finds itself, I should be willing to abandon as pedantic all considerations of precedent and form, and come at once to these resolutions, or others having such an object in view. But it is because I am persuaded that these resolutions, if agreed to, so far from having such an effect as the noble and learned Lord hopes for, would rather tend to widen that breach which exists, and aggravate the difficulties of the case, that I cannot give my assent to the propositions now before your Lordships. What does the noble and learned Lord expect would be the practical effect of these resolutions, if carried? It cannot surely be by way of information to the Church. The Church must be already perfectly informed of the fact, that in this House there is probably scarcely a single individual who is not prepared to agree in resisting the unreasonable and preposterous claims the Church has put forward. The Church must also see in the other House of Parliament, after a long contest, that an opinion was expressed by men of all parties in that House, and the proposal for a committee to enter into the examination of the question rejected. It therefore cannot be to inform the Church of Scotland, this House, or Parliament, that the noble and learned Lord makes this motion. What then is his practical object? He begins by two resolutions, which are very complimentary to the Church, although not more so than is true, and perfectly just. There is no doubt, my Lords, that we should all be ready to agree, that the Church of Scotland, as by law established, has produced the happiest and best effects upon the morals and religious character of the people of that country. I would even go further than the noble and learned Lord, and I would agree in that opinion which was expressed in the House of Commons, that that particular institution had produced the best effect of any institution that had ever existed on the face of the earth. This may be true; but there is no reason for the House to come to a resolution to that effect, when it is to be attended by no practical consequence or result. The noble and learned Lord also proposes to resolve—

> "This House is of opinion that the demands of the said Church, contained in the papers laid before this House, should be conceded by the Legislature, as far as the same can be safely conceded consistently with the permanent welfare of the said Church, and the existence of subordination and good government in the country."

Now, if that be so—if it be the opinion of this House that these demands must be conceded, ought not the noble Lord to specify what those demands are which ought to be so conceded? Does not the noble and learned Lord leave us in a state of uncertainty and doubt; and does he not also leave the Church in a state of uncertainty and doubt what he means to concede, and what he means to resist? If this resolution mean anything, it commits the House most inconveniently and most dangerously, and the noble and learned Lord is bound to say, what it is he proposes to concede, otherwise he does not deal justly by the House, or by your Lordships. Then, in the same resolution, the noble and learned Lord proposes to declare, that,

> "When any measures for correcting the alleged abuses of patronage in Scotland, and ensuring the appointment and admission of Ministers properly qualified for the parishes in which they are to officiate, this House will favourably entertain the same."

That is what the noble and learned Lord proposes that your Lordships shall assent to; but, in the first place, I must observe, that there are no complaints of abuses of patronage. On the contrary, for the last twenty or thirty years, it has been admitted that patronage has been exercised almost without any reason whatever for complaint. True, the General Assembly and a large body in the Church object to the existence of patronage altogether, but the exercise of patronage, as it has existed for the last twenty years, has been universally admitted to have been without reproach. Therefore it is an unfair, and I must add, an untrue statement to say, that we are ready to correct abuses the existence of which is not alleged. I for one could not agree to sanction, even by implication, any such assertion, or that the ministers appointed have not been found proper to edify the congregations to which they have been presented. The fourth resolution is certainly a resolution to the opinion expressed, in which I apprehend not a single Member of your Lordships' House would refuse his assent. But I think it unwise, unnecessary, and injudicious, to move a gratuitous resolution of this description. I am certainly disposed to maintain lay patronage as it exists, being quite agreed with the noble and learned Lord that no other system could be found so advantageous to the Church itself. But I know there is a numerous body in Scotland which, with the General Assembly itself, has declared that patronage is a grievance which ought to be abolished, in which opinion a large portion of the community concur. If that be so, why then declare this to be the resolution of the House when you are not called upon by them, when they have even said, that much as they object to patronage, they yet agreed in the declaration that the abolition of it was not a *sine qua non* with them, nor one of those grievances which they imperatively desired to have redressed. Why, then, unnecessarily shock the feelings of a large body of persons who do not come to you in a position which makes it necessary for you to give an opinion upon this subject? I know there have been periods in the history of the Church of Scotland in which patronage has been abolished, and though I do not desire to see any such event take place now, I see no necessity, I see no wisdom, in your Lordships committing yourselves absolutely to a declaration of opinion even on that subject. For instance, much as I desire to see patronage preserved, I have no hesitation in saying, I would rather see the abolition of patronage, and the substitution of popular election in the choice of ministers, than I would see the existence of the Veto Act, as enacted by the General Assembly. I conceive it possible that even the abolition of patronage might not be the worst event that could take place in the church of Scotland. But the resolution is wholly unnecessary, it would offend a large body of persons, and there appears to be no reason for it. With respect to the last resolution of the noble and learned Lord, he probably thinks that in consequence of the compliment with which he commenced, he may render his conclusion more palatable to the Church. I think the noble Lord will find himself mistaken; for, in the first place, as regards this resolution, the clergy would deny the correctness of his statement relative to the exclusive and supreme jurisdiction. Thus we should have a reply to these resolutions, a denial of the statement of facts, and a controversy would arise. This resolution is also liable to the objection that it refers to many matters which may come before your Lordships in your judicial capacity; for it refers to the law, and implies that the law is not to be altered, but it lays down what the law is; and that pre-judges many cases which may be sent to this House on appeal, and on which you would have to pronounce judgment. Therefore, however, I may agree with the opinion of the noble and learned Lord, I think the resolution would be an objectionable one for this House to pass. Seeing that the practice has been almost uniform to abstain from coming to resolutions of this abstract description without the strongest necessity, looking also to the improbability of these resolutions leading to any practically good result in soothing men's minds in Scotland, and averting the dangers which the noble and learned Lord anticipates—I think your Lordships would act unwisely if you did not refuse to concur in the propositions of the noble and learned Lord. And now, my Lords, with respect to the question of the state of the Church itself, and the other topics adverted to by the noble Lord, suffer me to make a very few observations. My Lords, I have always been one of those who have been disposed to a great extent to advocate that principle which has been called "non intrusion." I believe the people by the law of Scotland have a right to exercise a voice in the settlement of their ministers. I find, by authorities which I cannot controvert, that that is the law, although the precise extent to which that voice should be exercised may be doubtful. It was with a view of removing these doubts, and to fix the law in future on this subject, that three years ago I ventured to introduce a measure to your Lordships, which I had the happiness to see carried beyond its second reading by a large majority of the House, and which I have no doubt would have met, had it been persevered in, with the concurrence of your Lordships. That measure met with no opposition in regard to its provisions, although the time at which it was introduced was objected to by some noble Lords. But all declared that the measure did too much for the Church—that it recognized powers which the Church never did possess, and never ought to possess. The limitation of the rights of patrons in that measure was founded on the principle laid down by Sir H. Moncrieff, in his description of the church of Scotland, that it is the office of the patron to present, of the people to object, and of the presbytery to judge. The object of my measure was to extend as much as possible the power of the people in objecting, to give facility to that power of the people, and to secure the independence of the presbytery in judging of the objection. But, as I before observed, the only objection made in this House to the measure was, that it recognised too great a power in the Church. In Scotland, what was the reception of that measure? I have the happiness to say, that by nearly one half of the parochial clergy of Scotland, the measure was decidedly approved—they signed a written approbation of it; and I believe, that generally throughout the country, it was approved by those who were disposed to take a moderate view of the case, and looked for a practical measure, as the means of restoring the Church to a state of harmony and peace. The dominant party in the Church, however, after some hesitation—for there was hesitation—determined to oppose it, and in consequence of that measure, I was compared to the Regent Morton and the Duke of Lauderdale in oppression of the Church. My measure was called Erastian; I was accused of the sin of Erastianism. You, my Lords, who are Erastians to the very bone, will not think that an accusation very difficult to bear. It is true, I never in my life read a word of the works of Erastus, whether medical or theological, and probably I never shall; but if Erastianism means the setting up of the civil authority above, and so as to interfere with, the spiritual independence of the Church, I am as guiltless of the crime as any of the gentlemen who opposed the measure. But, my Lords, there are many things worse than Erastianism, and I wish nothing better for myself, nor worse for those reverend gentlemen, at the last great day, than that we may all have nothing more heinous to answer for, than the sin of Erastianism. But, my Lords, since that measure, the opinion of her Majesty's Government has been communicated to the Church of Scotland in the letter of my right hon. Friend, the Secretary of State for the Home Department. By the statements of that letter, her Majesty's Government are disposed to stand. Those are the opinions which we have expressed, and to which we mean to adhere. But I could not have concurred in the statements of that letter, had I interpreted them as my noble and learned Friend opposite seems to have done. If I had not believed and known, that that letter was written in full conformity with the measure to which I have referred, I could not have concurred in it. But as that letter was intended to be in full conformity with the principles of that measure, I concurred in it. The noble and learned Lord has adverted to an expression in the letter of my right hon. Friend —the word "suitableness"—as applied to the minister of a parish. Now it is a very different thing whether the presentee be "suitable" or "acceptable," and it may happen, that the most "suitable" may be the least "acceptable." I have now declared, that this letter has reference to the provisions of the measure to which I refer. That measure was proposed by me not as altering the law, but I proposed it to be a declaratory act. It would have been the height of presumption in me to entertain the slightest doubt of what had been declared to be law by the noble and learned Lord opposite, had I not been fortified by authority which I am bound to consider at least equal. The bill to which I refer received the approbation of the late Lord President of the Court of Session, who, for fifty years was himself a member of the General Assembly, also took an active part in all its proceedings, and who was particularly familiar with the law of the Church. He declared, that what was contained in the bill I proposed was consistent with the law of Scotland. I have also the opinion of Lord Corehouse to the same effect; and of Lord Corehouse it is certainly impossible to speak too highly as regards his profound learning and varied attainments. Your Lordships will remember, that there were two judges who were adverse to the claims of the Church, and to the Veto Act, and whose judgments were therefore certainly as little likely to lean towards an extension of the powers of the Church as any others upon the bench. I may, therefore, I think, conclude, my Lords, that the majority of the judges would be found to entertain opinions favourable to that measure. To say that all the objections to the presentee must be founded upon objections to his life, literature, or doctrines, is contrary to the law, practice, and discipline of the Church. I am of the opinion of the learned persons to whom I have alluded. My measure proposed that, at a particular stage of the proceedings, upon the settlement of a minister, if one or more of the parishioners should have any objections of any kind, it might be urged upon the presbytery, by whom they were to be examined, and if found valid, they were to be sustained, and the presentee objected to. That if any large portion of the parishioners should object to the presentee, and if this objection were not in itself valid, but were entertained by so large a proportion of the parish, and were entertained so strongly, as in the opinion of the presbytery to preclude the possibility of his edifying the congregation so as to contribute to their spiritual welfare, they were then at liberty to reject the presentee, recording in every case the grounds of their judgment. And there is the security, the only security, which would exist against the effectual revival of the veto; because, if a presbytery had power to give effect to objections which they did not think in themselves valid, then, of course, unless they recorded the grounds of their judgment, it would enable them to give effect to the veto by capricious and unreasonable objections. Now, there are many objections which are not personal to the presentee, and which are not at all against his life, literature, or doctrine, but which are very fit to be taken into consideration, and to weigh with the presbytery, even to his rejection —objections which in themselves may almost appear capricious and unreasonable. I mentioned, on a former occasion in this House, an instance of this class of objections. Take a parish in one of the western islands, where, in former times, the clan of M'Leod had committed some great atrocity, from which day their name was abhorred. That is a circumstance which would render any minister of that name utterly disqualified to edify the people. Now, I say it is clearly no imputation on the life, literature, or doctrine of the man, that his name is M'Leod; but that, under this bill, would have afforded a good objection to his not being settled in that particular parish, because the matter pertains to a subject which has always been considered open to the examination of the Presbytery — the settlement of the presentee in the particular parish. Thus, again, if a person were objected to as unable, from bodily infirmity or weakness of voice to preach so as to be heard by the congregation, that objection, coming from a few, would have no weight; but, coming from the great body of the congregation, might well be considered as rendering him unsuitable for that particular parish. The discretionary power of setting aside or confirming such objections is one which I cannot help thinking is a most salutary power for any church court to possess, and one that might, perhaps, be possessed with advantage in this country. When I say, that it is the right of the patron to present, of the people to object, and of the presbytery to judge, I mean that it is not only their right but their duty; and I think that the Church, in abandoning their duty of judging, by admitting the dissent of the people without any reason, clearly abandoned a duty which they were bound by statute to perform. Having now gone over the provisions of this measure, I think your Lordships will probably be of opinion, that this bill extended sufficient power both to the people and to the Church. I know it was said, to the Church alone that power was extended. My Lords, I deny that entirely; I say that it gave to the people greater power than they ever possessed and practically exercised at any period of the history of the Church. And that is what I understand that the noble and learned Lord himself is prepared to give; I understand that he is prepared, although he did not describe the measures by which he would propose to meet the demands now made to extend the power of the people to object, and of the presbytery to judge of those objections. I also am desirous of extending to the utmost possible degree the powers of the people in objecting to the presentee; but the part of the people is that of objectors, and not of judges. In any way in which these powers can be secured to them, I shall be perfectly ready to agree; but it is a mistake to suppose that the power of the people to object would be increased, if the objectors were in a majority. Why, is not an objection, if it be a really valid objection, as good, and ought it not to have as much force and authority, if it be urged by two or three, as if it be urged by 300? If it were otherwise, numbers, not truth, would be the rule. I speak now of valid objections of a general kind; I admit that an objection such as I have referred to, against a name, or various other objections which might render a person unsuitable, require, no doubt, a great body of the parish to concur in them before they can be effective; but an objection which is truly and from its own nature valid, is, I apprehend, just as good when urged by a few as when urged by many. I know it is said, and I have heard it urged, that if you allow a presbytery to reject a presentee on the objections of a few persons, you will have corrupt proceeding—you will have objections suggested, in order that the church court may give effect to them. This is to entertain an opinion of the church courts which I am very unwilling—indeed, which I cannot possibly adopt. I say, so long as they record the grounds of their judgment, you have a perfect security in their publicity, to say nothing of the courteousness of the members. The publicity which must attach to such proceedings puts it out of the question that a corrupt connivance can take place. The noble and learned Lord has alluded to one or two modes by which this power, as respects the people and the clergy, may be extended; and he has said, though without explaining his views particularly, that he would prefer the measure to which I have alluded to the veto. He has not described the manner in which he would confirm the powers he is ready to grant. I am perfectly satisfied that the principle of the measure which I laid before your Lordships, though I do not mean to say that no alteration could be admitted in its details, must form the foundation of any measure which may be adopted, if ever this question can be amicably settled. The truth, my Lords, is, that so far as her Majesty's Government is concerned, and I believe I may say the legislature, we are prepared to recognise to the utmost all the rights, privileges, and powers, which the people and the church have ever possessed by law, at any period of its history, in the matter of collation, for I exclude the abolition of patronage. I will not have it understood that we are disposed to entertain the slightest doubt as regards maintaining patronage. The matter of collation is that which brings the people into a share in the proceeding—collation in Scotland differing from collation in England—and gives them their *status* in the settlement of the minister, and a right of objecting. It is so explained by all the writers on the subject; and this is the ground taken by Sir George M'Kenzie, and the other authorities. So far, then, as regards the settlement of ministers, nothing more, I apprehend, ought to be desired by the Church, or can be desired by any reasonable man. But this, it will appear, is not what they require. I have said, we are ready to agree that the people shall possess all the powers they ever exercised by law at any period of the history of the Church. Take the Revolution settlement. I quite agree with the noble and learned Lord, that the Church would most probably be very unwilling to see the present system of patronage changed for that which was established in 1690, and to have the elders put in the place of the patrons. But take that settlement. According to the Act of 1690, the part taken by the people in the settlement of ministers was this:—

> "The heritors of the parish (being Protestant,) and the elders, are to name and propose the person to the whole congregation, to be either approved or disapproved by them; and if they disapprove, then the disapprovers give in their reasons, to the effect that the affair may be cognosced upon by the presbytery, under whose judgment and by whose determination the collation and entry of the particular minister is to be held and concluded."

The Church might have that arrangement to-morrow. The bill to which I have referred gives them a great deal more than they ever had under the Revolution settlement. Though a majority is not mentioned in the passage I have read, it appears from the import that a majority must be intended, because otherwise it would be impossible to understand what constitutes the whole congregation. It cannot mean that every individual must be included; it must mean, therefore, that the majority was to approve or disapprove; they were to give in their reasons, which were to be cognosced upon by the Presbytery, that is, the Presbytery was to examine them judicially, and then to pronounce their determination. The bill to which I have referred extended greatly the powers both of the people and the Church courts in this respect; but if the settlement of 1690, as far as both these parties are concerned be preferred to the existing system, there can be no difficulty whatever in such a system being approved of at the present moment. With this great increase to the powers of objecting, and judging, of course, it is impossible it can be admitted that objections shall be made which are illegal in their nature. Although I should be perfectly willing to agree that the judgment and sentence of the Presbytery could be appealed from to the superior Church courts—that it would certainly be right to provide for—yet that could not possibly be understood as admitting of illegal objections being sustained. For instance, supposing, as it might very possibly happen in those parts of the country where patronage is most objected to, that the people might object to a presentee because he had received a presentation from a patron, if a presbytery sustained such an objection as that, I apprehend they would be undoubtedly acting illegally; and, therefore, would be liable to be corrected by the civil tribunals. In every other case where the law was violated, unquestionably an appeal must always lie to those tribunals, which must in every case interpret the law, and apply prompt redress. At one time, we know, a very numerous body in Scotland objected to a minister taking the oath of allegiance. Persons might, then, object to a Minister taking the oath of allegiance to the Queen. If such an objection as that could be sustained, of course it would be quite necessary that the competent tribunals should correct any outrage of that sort, and in every case where objections are illegal in their nature, no doubt recourse must be had to the civil tribunals. My Lords, whether any measure will now avert that disruption of the Church which seems about to take place, is more than I am able to state. I do not pretend to give an opinion; but from all that has appeared in the conduct of the General Assembly and the leaders of the Church, there seems no reason to hope that any measure—even of the most extended concession, recognising, as I have said, to the utmost the powers both of the people and the Church to the greatest degree to which they were ever possessed by law at any period—will be sufficient to satisfy the extravagant and unreasonable demands which have been made by the leaders of the Church, in their petitions to her Majesty, and in the claims they have preferred. My Lords, I lament very much to see the spirit in which this secession, if it is to take place, will be accomplished by many of those persons. Very recently a numerous meeting has been held, presided over by the right hon. Gentleman who brought their petition before the other House of Parliament. I believe the noble and learned Lord alluded to the sentiments expressed on that occasion. Those sentiments were certainly not such as we should expect from persons who felt a necessity of leaving the Church, in consequence of their consciences being wounded by the interpretation given to the laws under which the Church is established. We have it announced to us, that if they do leave the Church, a course of agitation will be adopted, that they will not continue in the parishes where they are placed, and minister to such of their flocks as may share their opinions as to the proceedings of the civil courts, but declarations are made, that they will go through the kingdom and preach the Gospel throughout Scotland, as if it were a pagan country in which the Gospel had never been preached before. It is announced that they will force themselves into parishes occupied by men as pious, as learned, as exemplary as themselves; and, in short, that every means will be taken to injure, to destroy, that establishment which they have left. Indeed, one of their leaders makes no secret as to the conduct they will adopt and the hopes they entertain. He says,

> "When we shall leave the establishment, we shall take every step within our power, and use all the influence which remains to us, to bring down the establishment which will then exist. When we leave the establishment, do we not see it made up of men who stand by a system which involves a heinous sin? and shall we not enlist all the energy we can command to bring down the abominable thing? Not that he said this under the influence or impulse of a great public meeting. He had long pondered over the subject in his own mind, and the result was, and it was his conviction, that their reasons for leaving the establishment should also be their reasons for subverting it and pulling it down. If it be impious for us to remain in the Erastian establishment, it therefore follows, as a natural consequence, that we cannot leave it unassailed after we have come out of it."

Now, my Lords, proceeded the noble Earl, this does not appear like the wild wailing of a tender conscience, which leaves the Church unwillingly, in order to avoid the reproaches of its own feelings. It is rather the hostile rancour of disappointed ambition: it looks more like baffled ambition than conscientious difficulty. But, my Lords, I cannot think that such feelings will meet with any very extensive sympathy in Scotland. I cannot believe that the people who have been so long attached to the Church, devotedly attached to it as they are, will suddenly become the bitter opponents and irreconcileable foes of the establishment of which they have so long been Members. It is very difficult to say, to what extent those popular Ministers may proceed in misleading the people on this subject. They really make them believe—and some have attempted to make them believe—that it is the object of the Government to attempt to establish Episcopacy, and even Popery, in Scotland. They may make them believe many things as incredible as this; but I think the people will have too much good sense to believe it, without seeing some little more evidence of it. On the contrary, when they see and examine the language held to them by my right hon. Friend the Secretary for the Home Department, and even the sentiments I am expressing at this moment on the part of her Majesty's Government, they must feel that they are not dictated by a spirit of hostility to the Church, or to the extension of the privileges and powers of the people; and they will pause, I trust, before they take the desperate course to which these rev. Gentlemen would excite them. It is difficult, my Lords, to see to what extent the people at present share in the views of these persons. I fear it is greater than we could wish, or than would be thought probable; at the same time I must say, that there are many indications which tend to make me believe that, if it were not for the greatest activity and exertion on the part of the gentleman to whom I have referred, the people themselves would have no great inclination to adopt any such course. I believe that, throughout, this has been a clerical agitation. Notice has been given us by those leaders, at the meeting to which I have referred, of their determination to use the utmost activity, in their journies through the country, and in their efforts, to have what they call a glorious campaign of preaching. This is absolutely necessary to keep the people in the frame of mind which they desire. My Lords, I may mention, as one fact not unimportant with reference to the temper of the people on this question, that, in the course of the last summer, I had the honour of attending her Majesty during her visit to Scotland, together with my right hon. Friend the First Lord of the Treasury. We followed in her Majesty's train through different parts of the country, when, naturally, an immense concourse of people was brought together in many places, and your Lordships are aware that when such is the case, among those countless thousands great freedom of expression is used. I was with my right hon. Friend, and although he was generally received with all the regard which his character, his talents, and his position deserve, still I do not deny that we very often heard observations not always of a very complimentary nature. We heard, I believe, cries of "No Corn-law," "no sliding-scale," "free-trade," and many other observations, which were made with that freedom which immense masses of people are so apt to claim. But I assure your Lordships that from the first moment to the very last we never heard a single syllable about intrusion or non-intrusion. I cannot say that those persons might not have entertained those feelings—it is possible they may; but if they had—if the heart had been full, I think the mouth would have spoken. I mention this as a fact; but I do not mean to deny that unfortunately a very large class of persons, I fear, are misled to entertain such views as the one of which I have spoken. But if this secession should take place—which I am quite confident the passing of the noble and learned Lord's resolutions would do nothing to avert—I can only say that neither can hostility, nor the voice of the rational and dispassionate men of the present day, ever affirm with truth that these men were driven forth either by the Government or by the legislature. My Lords, I beg to move that your Lordships do now adjourn.

Lord *Brougham* was placed in a situation both embarrassing and painful to himself in consequence of the position which this question occupied among the judicial business of their Lordships, and of the proceedings which had taken place in the courts below, and which were now pending before their Lordships. Feeling himself as it were in the situation of being judicially called upon to interpose his labour in the determination of the question, it was embarrassing for him to address their Lordships, however shortly and generally, on the subject. A sense of this would certainly induce him to imitate the example of his noble and learned Friend near him, then occupying the woolsack (Lord Cottenham), in abstaining from entering on a discussion at large of his noble Friend's measure, when it was before the House two years ago. Therefore, he was willing to have been spared the necessity of entering at all into the subject, except for the purpose of reiterating his clear and decided opinion that the members of the Scottish Church, who had taken upon themselves to hold out against the decisions of the Supreme Court in Scotland, and against the decisions of their Lordships' House, were acting, and had been acting, in the grossest and most lamentable manner, and he would add, the most reprehensible violation of their duty, not only as ministers of the gospel, but as good subjects of the realm. With that view he had refused, on the occasion to which he had alluded, to make any new law for them to break, as they were breaking the old laws, to give them any relief of grievances, alleged or pretended, which they said they laboured under, until, in the first instance, if he might use a legal expression upon a legal subject, they should purge themselves of the contempt which they had committed, by submitting themselves heartily and entirely to obey the laws of their country, as declared by their country's tribunals. But, undoubtedly, the course which this debate had taken, and he would say the tenor of the observations which his noble Friend who had spoken last had thought fit to make, seemed to him to leave him no choice on the present occasion, and he must now state what occurred to him on the subject. His noble and learned Friend behind him (Lord Cottenham) who felt, no doubt, that his judgment in the Auchterarder case was, though not intentionally, yet in reality, assailed by those observations, would set him right if he differed from him, but he (Lord Brougham) believed they entirely concurred. If he were to allow those observations of his noble Friend to go forth to Scotland, to those in revolt against the law of the country, against the decisions of the supreme court of Scotland, and, above all, against the decisions of their Lordships' House—if without comment, explanation or censure, those remarks were to go forth?—gracious heaven! what would be the consequence? It would be said that the House of Lords was divided against itself—that the law Lords were holding one language and the lay Lords were holding another, and that the authority of the Auchterarder case had been weakened and shaken by a declaration of a minister of the Crown. He knew his noble Friend meant no such thing. He was quite sure of that, because what dropped from his noble Friend at the end of his observations clearly showed that if any man in that House more clearly than another reprobated the conduct of those who were holding out against that decision, it was his noble Friend who had just addressed them in his legislative capacity. If the line were not clearly and broadly drawn between what, by any one Peer, was said and held in his legislative capacity, and what they all, without the least exception, without any shade or difference of opinion—men of all parties, without distinction, lay lords as well as law lords, held to be the law of the land—if the distinction of legislative and judicial matters was not clearly marked out, the judicial decision would inevitably appear to be shaken. It was necessary, therefore, first to make that clearly and manifestly appear which no man yet had ever doubted, that there existed not the shadow of a shade of difference of opinion in any quarter of that House with respect to the judgment which had been pronounced on that most important question; that there had been no doubt or hesitation in coming to that opinion, any more than there had been doubt or discrepancy between his noble and learned Friend and himself. With regard to that judgment this remarkable circumstance was to be observed, though his noble and learned Friend and himself had together heard the case argued, for days and days, along with his noble Friend, the First Lord of the Admiralty, as well as a former First Lord, for whom they all had the greatest esteem, and who took the greatest interest in Scottish affairs—Lord Minto—yet they had never happened to hold the slightest communication on the subject. They separated at Easter, before the recess, and when they came back, each had separately made up his opinion on the arguments and authorities stated, and the papers before them, and on coming to that House the day before the judgment was pronounced, and comparing notes together, they found that they had arrived at precisely the same conclusion, and that each rested his opinion on the same reasons. This was the decision given judicially in that House, the highest court of justice, affirming the judgment pronounced by the supreme civil tribunals of Scotland, on an appeal made by those parties who, if they had decided in their favour, would have been the very first to hold that the tribunal which did so was worthy of all acceptation; but who, the very moment that judgment was given against them, declared that their Lordships were Erastian judges, whose opinions were not fit to be received, but worthy of all reprobation; and that Scotland, Church and State, men of high degree and low, persons in congregations and out of congregations, were alike bound to support those reverend agitators in their resistance to the law as laid down by their Lordships. That being the undeniable and unanimous opinion of their Lordships, and their Lordships being determined to uphold the law of the country, it became a question of comparatively trifling importance how they should deal with the other part of his noble Friend's speech. His noble Friend, in enumerating the details of a bill formerly presented by him to that House, had described that bill as merely a declaratory bill, as a bill merely intended to state with more precision the law of the land, as it at present existed. His noble Friend laid it down as the law, that the people and the Presbytery had the right to reject a minister, after the patron had appointed him; that they had a right to reject him, not only because his life was bad—not only because his learning was insufficient—not only because his doctrine was unorthodox—but because he was unfitted and unsuited to that parish. Want of fitness and suitableness was the expression. Now, was that the law of the land? Would an act of Parliament giving to the Presbytery such a power as that, be merely a declaratory act? If that was the law of the land, it was a most marvellous thing that, in the whole history of jurisprudence, centuries should have been allowed to elapse without the occurrence of a single instance that could be cited, in which that power had been claimed and exercised by the Presbytery. [The Earl of *Aberdeen*: Oh, many.] He could only say, that he spoke in the presence of the judge who had decided on the question, and of the advocate who had pleaded it; and he had not, in the course of those pleadings, heard it maintained that such was the law, though nothing would have been more calculated to prop up the Veto act, than to have shown that it had ever been a constant practice to reject a minister after he had been appointed by a patron, and to reject him, not because he led a bad life, not because there was any thing objectionable or unorthodox in his doctrine, not because his learning was deficient, but because he was not a fit, proper, and suitable person for that particular parish. His noble Friend said, they were all Erastians in that House, but if his noble Friend maintained such principles as those, he ceased to be an Erastian. He was a backslider from Erastianism. He was coming nearer and nearer to positive non-intrusionism. [*Hear, hear*, from the Earl of Aberdeen]. Oh, his noble Friend accepted that remark, and admitted that he was coming nearer and nearer to the principle of non-intrusion. His noble Friend alarmed him by that admission, and alarmed him still more when he said that he would not only have the law so in Scotland, but that he wished to see the same principle recognised elsewhere too. That he would have his view of the law cross the Tweed and be adopted in England. He must own that there was to him something alarming in the assertion of such a doctrine, particularly when it came from one in the position of his noble Friend. Why, what became of the whole law of patronage? What would remain of the patron's rights; when he first heard of this declaratory bill of his noble Friend, he was abroad, and he was so much alarmed, that he wrote to him by that day's post in hopes that there was some error which might yet be corrected. But it now turned out that it was intended as a deliberate assertion of the existing law. The patron then, had no longer the undoubted right of presenting a minister of pure life, orthodox doctrine, and sufficient literature; the choice of the patron was to be unavailing, if the clerk chosen was not a person who suited the parish! This was quite a new law of patronage. The man who might suit a country congregation might be held to be unsuitable for a town parish. He might be thought deficient in accomplishments as a scholar, not sufficiently attractive as a preacher, not fashionable enough for a city church. Let him go to a rural parish, then, if he will, but let him beware how he intrude himself among a more polished congregation :—

> "Rusticus, abnormis sapiens, crassaque
> Minerva."

Such a law was at all events very different to that laid down by their Lordships in the Auchterader case. The minister, according to his noble Friend, must be a man enjoying the respect of the people among whom he was to be settled, and that consideration, according to his noble Friend ought to be taken into consideration as much as the minister's learning, life, and doctrine. Now, was this giving a right of presentation at all to the patron? He utterly denied that it was the law as it now stood. The mere presentation of a minister was held by some to render him unfit and unsuitable. His noble Friend said, that the civil power would interfere to put down such an objection. But how? Not by the bill, which they were told was a declaratory bill. His noble Friend said, that where the majority of a parish were against the man, however suitable he might be for the ministry in all other respects, he was unsuitable for that parish, for, said his noble Friend, he would have a harmonious call or no call at all. It was quite idle to disguise the fact, that this doctrine was neither more nor less than an adoption of the entire principle of the Veto Act. To be sure, his noble Friend said, that the parishioners would have no right to judge and reject, they would only have the right to object; but was not this to take away all security from the exercise of the right of patronage? If the judgment on the Auchterarder case was founded on a correct view of the law, and was a judgment that ought to be maintained, then that law was not the same as that which his noble Friend assumed to be the law of Scotland. If there was only one man in the parish who objected, and he was supported by a majority of the presbytery, although no ground whatever was assigned, his noble Friend would say, under those circumstances, that it would be better the minister should not be forced on the parish, that the patron would do better to choose again, and to go on choosing until he had succeeded in choosing a person agreeable to the parishioners. Such a state of things he (Lord Brougham) would call a mockery of the right of choosing. After having said this much, he begged their Lordships to remember, that neither on this nor on any former occasion had he ever given an opinion on the legislative part of the question. He had altogether confined his argument to the judicial part of it. He had dealt with his noble Friend's bill only in its character of a declaratory bill. He might be of opinion with his noble and learned Friend behind him, that it was fit some alteration should be made in the ecclesiastical law of Scotland. He (Lord Brougham) might adopt the opinion laid down by Lord Moncrieff in his admirable evidence on this subject—evidence full of the most profound learning, and full of the most striking candour and wisdom. He (Lord Brougham) might be inclined to adopt the opinion there given, that some more real power than now existed ought to be given to the parishioners of moderating a call. He was certainly not for shutting the door against all conciliation, but one thing was quite clear, and on that point his opinion was fixed and unalterable, namely, that no such steps could be taken till those who had placed themselves in opposition to the law had recognised the error of their ways, till the wrong doers had given up their present course and resolved to act in obedience to the laws. If a mode could be suggested by a legislative measure, of allaying and settling the whole question now in agitation, nevertheless, he (Lord Brougham) would say—do nothing till the law, as it now exists, shall be reverenced and obeyed. He would not himself be a party to any legislative measure, the object of which was to give men new laws to break, till, like good subjects, they had submitted to those laws of their country which were already in force. His noble and learned Friend the Lord Chief Justice he perceived, was not there that evening, and he had deferred to the last moment the observation he was about to make in his noble and learned Friend's name. His noble and learned Friend had been extremely anxious to express his opinion to their Lordships on this great subject. He was authorised, however, to say, that no language was too strong to express his noble and learned Friend's disapproval of the conduct of those parties in Scotland to whom allusion had been made, and his determined opinion that the law must be obeyed before any legislative change could be agreed on by Parliament.

The Earl of *Haddington* said, that his noble and learned Friend (Lord Brougham) had described the speech of his noble Friend the Secretary of State for Foreign Affairs as tending to shake the judgment of their Lordships in the Auchterarder case. Yet his noble Friend, (the Earl of Aberdeen) had said, on the contrary, that all the Members of her Majesty's Government had agreed with that judgment. That judgment was deserving of the highest respect. His noble and learned Friend had argued, that the question of suitableness was one that must not be taken into consideration; yet his noble Friend had stated that he was supported in his view of the law by the late president of the Court of Session. He had not any intention of entering into a conflict with his noble and learned Friend on a matter of law; yet he must say, that although the brilliant magination of his noble and learned Friend had conjured up a number of imaginary cases, yet he could easily conceive that there might be descriptions of unsuitableness that ought to be taken into consideration. A man, for instance, might be appointed to a church where he could have no assistance, but would have to discharge the whole of the duty himself. The gentleman appointed to that church might be perfectly qualified, his life might be irreproachable, his doctrine quite orthodox, and his learning highly distinguished; but with all this he might be a man of feeble health, and, if so, would certainly not be suited to such a parish, and no patron would do his duty if he persisted in appointing such a minister to such a parish. Yet, according to his noble and learned Friend's view of the law, the Presbytery would not be entitled to reject that man, however incapable he might be of discharging the duties of a laborious parish. Again, a man with a very feeble voice might be appointed to a parish in which there was not only a numerous congregation, but also a very large church. Such a man would not be able to edify the people; not because his life might not hold out a good example—not that his doctrine might be heterodox—but simply because he could not be heard. He (the Earl of Haddington) thought that should be held to be a sufficient objection. Or, suppose a man appointed to a parish in the Highlands, of which the majority of the inhabitants did not understand English, of what use would the minister be in such a parish, if he was wholly ignorant of the Erse dialect? Whether, therefore, suitableness made part of the law of Scotland as it now stood, he would not undertake to say; but if their Lordships came to legislate on the subject, they would do well to pay all due consideration to the question of suitableness. At all events, what had been stated in the course of this debate, ought to make those gentlemen who had placed themselves in a state of disobedience to the law, feel how enormous a difficulty they would avoid if they would but determine to put themselves in unison with the laws of their country. Their Lordships would then have a clearer course before them, and peace might be restored to the distracted Church of Scotland. In the meantime, however, their Lordships had lost sight of the resolutions moved by the noble and learned Lord opposite. As to the motives by which the noble and learned Lord was actuated in bringing forward those resolutions, there could be but one feeling among their Lordships, who would all sympathise with the feelings by which the noble and learned Lord was impelled. The noble and learned Lord was the son of a venerable clergyman of the Scottish church, and all his earliest recollections and affections were connected with that Church, to whose well-being he was anxiously desirous of contributing by every means in his power. Now, at the eleventh hour, the noble and learned Lord came forward to endeavour to avert one of the greatest evils that could befall that Church; but if he might be permitted to say so, the noble and learned Lord would not by these resolutions gain the object he had in view. He understood the object of the noble and learned Lord in bringing forward his resolutions was to make some concessions to the Church of Scotland. But what would be the value of that concession? When the noble and learned Lord came to explain his views, he told the House, that he disapproved of the bill introduced some years ago by his noble Friend near him (Lord Aberdeen). The noble and learned Lord said, he thought that that bill went too far —that it gave too much power to the Church. Now, it must be in the recollection of their Lordships that that very bill was rejected with disdain by the Scotch Church. The noble and learned Lord refused to go as far as that bill went, and proposed to give the gentlemen who rejected that measure, a modified proposition, compounded of somewhat less power to them, and somewhat less power to the people; but if the former measure were not considered satisfactory, surely the noble and learned Lord's more limited proposition was likely to be still less so. It was evident, that the object which the noble and learned Lord had in view, would not be gained, if the House were to agree to his resolutions—that object being to stop the coming evil of secession from the Church. God knew, that could he assist in averting that enormous evil, by sacrificing opinions and prejudices, without the abandonment of principle, he would gladly do so; but he did not feel himself called upon to agree to resolutions, which he was satisfied would not have the slightest effect in that respect. In all that the resolutions expressed respecting patronage he entirely concurred. Patronage ought to be upheld, and he agreed with the noble and learned Lord in thinking, that much of the decorum, and of the well-working of the Church, depended upon the system of patronage. He attached great importance to lay patronage, but much more to the patronage of the Crown, exercised, as it was with respect to a Church which, by its constitution, had no ecclesiastical connection with the State. Still the difficulties of the case would not be removed by throwing those opinions in the teeth of the advocates of the claims put forward in behalf of the Church. It would be better to leave them to reflect upon what had recently taken place with reference to this question. The letter of Sir James Graham showed what was the animus of the Government; and the discussion which had lately taken place in the House of Commons, as well as that which was now going on in their Lordships' House, showed what was the animus of the Legislature with respect to the Church of Scotland. He was most anxious, three or four years ago, for the success of the bill brought forward by his noble Friend (Lord Aberdeen). If that bill had been adopted, he believed it would have had the effect of stopping all the mischiefs which he saw were coming, and which no man who knew Scotland as he did, could fail to foresee. A crisis had now arrived; but he hoped in God, that before the fatal moment of secession came, many of the reverend gentlemen in Scotland would reflect on the infinite mischief they were doing, not merely to the Established Church, but to the cause of religion, peace and morality. He hoped that if those gentlemen had come to a rash and hasty resolution without being aware of what they were about, they would yet see that they might, with a safe conscience, draw back. From all that he had lately heard, he was inclined to believe that many of them would not persevere in the fatal resolution they had adopted; and as to the people themselves, the pains which had been taken by leaders to agitate them by going from house to house to stir them up to secession, showed that the people had no natural desire for anything of the kind. He did not know what success those unworthy efforts had been attended with; but he feared that in some parts it had been considerable. Still, he hoped that, from the known attachment of the people of Scotland to the Church of their forefathers, the secession would, after all, not be as great as some gentlemen in their zeal were apt to imagine, or as those who were friendly to the institutions of their country, were led to fear.

Lord *Cottenham* said, that if the law were as it was stated to be by the noble Earl opposite (Lord Aberdeen), and in the letter of Sir J. Graham, there had been in this case, as had happened in many other great contests, very little to quarrel about. If the Church had the right to decide on the question of the suitableness of the presentee, where was the use of the Veto-act? The noble Earl had quoted the opinions of high authorities in support of his view of the case, but before it was possible to decide what weight might or ought to be attached to those opinions, it would be necessary to know every particular of the case which had been laid before the persons who pronounced them. It was a singular circumstance, that two of the individuals to whom the noble Lord referred were in the majority on the Auchterarder case. The noble Earl said, that there had been many instances of such interference as that which the Church of Scotland claimed the right of exercising; but it mattered not how numerous those instances might be, unless there had also been a decision in favour of the Church. Doubtless there had been much interference on the part of the Church, for it was notorious that the Church had always been engaged in contests with the civil courts on the subject of patronage. How was the right of patronage defined? The Presbytery was bound to admit a qualified person. But the noble Earl might, however, say, that although qualified, the presentee might not be suitable. But the meaning of the phrase, "qualified person" was strictly defined. It was defined to be a person qualified in literature, life, and manners. If, therefore, the Presbytery should find a presentee to be qualified in literature, life, and manners, they had no right, according to the law of Scotland, to reject him for any other reason. They were bound by act of Parliament to admit any presentee who was qualified in these three particulars, and if they should not do so they would fail in their duty. Their Lordships had the assistance of the most able counsel in the Auchterarder case, and not one of them ventured to suggest that the Presbytery possessed the power of rejecting a presentee, provided he were qualified in respect of literature, life, and manners. It would, indeed, be most strange that if the law of Scotland were such as the noble Earl represented it to be, it should have remained a secret, and never have been acted on. [The Earl of *Aberdeen:* It had fallen into desuetude.] It must, indeed, have long since fallen into desuetude, for no trace of it was to be found in any record. The noble Earl had introduced a declaratory act to make it law, which he at the time opposed. He objected to that measure because it destroyed patronage; and the state of the law, as described in Sir J. Graham's letter, if it really existed, would have the same effect. If the Presbytery were to be allowed to entertain the question of suitableness upon any other ground than the three defined points, the exercise of patronage would be a mere mockery. If a single person in a parish objected to a presentee, the Presbytery might declare him unsuitable, and that they might continue to do as often as the patron should present. What, in such a state of things, would become of the property and privileges of the patrons? It was obvious that a right exercised at the will of another was worthless. In his opinion it was important that patronage should not be transferred to the Church. The exercise of patronage by laymen, as it took place in this country, worked beneficially for the Church and the community. There were some circumstances connected with it which might, at first sight, appear to be absurd or improper, such as making livings a matter of bargain and sale; but, upon the whole, the exercise of patronage by laymen, checked by the control of the Church, was productive of great advantage both to the community and the Church itself, and he should be sorry to see it transferred to the Church either in this country or in Scotland. His only reason for rising on the present occasion was to state what the law was, and he could not help thinking that it was very unfortunate that any question should have been raised as to the existing law. No person who would take the trouble to read the Auchterarder case could have any doubt as to what the law was. Whatever the opinion of Scotch lawyers might be, he was certain that every lawyer in that House would admit that the law was correctly laid down in the Auchterarder case.

The *Lord Chancellor* wished to say a few words with reference to the decision in the Auchterarder case, and in the course of what he had to say he would neither allude to the bill formerly introduced by his noble Friend, nor to the resolutions now under the consideration of the House. He agreed with his noble and learned Friend who had last addressed the House in thinking that it would be productive of the most serious consequences if any doubt should happen to be entertained in Scotland as to the unanimity of their Lordships with respect to the decision in the Auchterarder case. He was not present when the case was argued for the first time before their Lordships, but when it came for the second time before the House he had the honour of presiding at the hearing of it. Everybody acquainted with the subject, knew that the said case was connected with and arose out of the first. It, therefore, became his duty before the judgment was pronounced in the second case to consult all the papers and all the arguments which had been adduced in the first. He paid every attention to the subject, he consulted all the judgments of the judges in the courts of law, and the opinion he arrived at was—he spoke with deference to some of the judges of Scotland—that it was perfectly impossible, consistently with every legal principle, to come to any other decision than that which was pronounced in the first Auchterarder case. He had felt it his duty to the country, and to Scotland in particular, to state his opinion with respect to the Auchterarder case, in order that it might not be supposed for a moment that amongst the law lords, at least in that House, there existed the slightest difference of opinion, not merely with respect to the decision in that case, but with respect to the arguments on which it was founded. He trusted that their Lordships would excuse him for having said thus much; but he was anxious that no doubt should be entertained, in consequence of anything which had been thrown out of the validity of the decision in the Auchterarder case.

Lord *Campbell*, in reply, expressed his entire concurrence in the view taken by his three noble and learned Friends as to the law of Scotland upon the point in dispute. He was disposed to hope that the discussion which had taken place would have a salutary effect. Though an adverse opinion had been expressed as to the expediency of adopting his resolutions, no one had dissented from the opinions contained in them, and it might, therefore, be presumed, that their Lordships unanimously concurred in them. He hoped that the leaders of the Church party would not be so presumptuous and arrogant as to resist the unanimous opinion of Parliament.

House adjourned.

HOUSE OF COMMONS,

Friday, March 31, 1843.

Minutes.] Bills. *Public.*—1°. Admiralty Lands.
2°. Attornies and Solicitors; Drainage of Lands.
Private.—2°. Paisley Municipal Affairs; Liskeard and Caradon Railway; Merthyr Tydvil Stipendiary Magistrate; Great North of England Railway.
Reported.—Brighton and Hove Gas; Hungerford and Lambeth Suspension Foot Bridge; Trentham Roads.
3°. and passed:—Imperial Continental Gas; Bolton Gas.

Making Watches by Machinery.] Mr. *Ward* said, that in moving the second reading of a private bill, it was seldom necessary for the mover to occupy the time of the House at any length; but the bill to incorporate the British Watch and Clockmakers' Company had met with so much fierceness of opposition, that it was necessary for him, in moving this Order of the day, to say something to the House, for the purpose of removing the prejudices which might have been created by the strong allegations made to the House against the objects of the bill, and the motives of its promoters. He had no personal interest whatever in the bill. He would not pretend to deny that it proposed to do by machinery, what was at present effected by manual labour, neither would he pretend to deny, that the introduction of machinery in a trade in which it had not previously been employed, was at first productive of hardship to those who were engaged in such trade; but in the result the effect of the introduction of machinery had always proved beneficial to those engaged in the trade, as well as to the rest of the community. There was no trade to which machinery could be so usefully applied as that of watchmaking. In that trade the subdivision of labour had been carried perhaps to the greatest possible extent, for there were no less than 102 branches of watchmaking. At the close of the last century this country had, in some branches of the trade, such as case making, almost a monopoly; but now a great portion of the watches sold in England were made in Geneva and other parts of Switzerland, which country was now our greatest rival in this department. So that the English artisan was obliged to keep down the quality of his work, in order to meet the competition of the Swiss, He believed, that in the trade of watchmaking, the principle of the division of labour, of which they had heard so much, was carried too far. Something like concentration of labour, he believed, was now necessary to produce those improvements which had been made elsewhere. Here was a new principle, which had been discovered, and which was now in operation. He was aware, that the invention was that of a Swiss mechanic, of the name of Ingold, who had been run down in the most unsparing terms. When it was said, that watches could not be made by machinery, he (Mr. Ward) denied it. Nothing was impossible to machinery in the present day. When they saw what had been accomplished by steam, how could it be asserted that anything was impossible to be affected by the ingenuity of man. He did not think it ought to be said, that they would not be able to fly in some years hence. His hon. Friend, who opposed this bill, had given his sanction to an Aeriel Transit Company. It was only by the adoption and application of new principles and improvements, that they could hope to maintain the pre-eminence of England. When the hon. Member for Finsbury talked of disturbing existing interests, and interfering with his constituents of Clerkenwell, his hon. Friend would allow him as a director and proprietor of railroads, to turn round upon him and complain of the Aerial Transit Bill. Many hon. Members had seen the machinery for making watches. He had seen it with an unbiassed mind, or if he was biassed at all, it was against the scheme. But he saw what the machinery could do, and he compared its results with what could be accomplished by the hand. Two hundred watches could be made by this machinery for every thirty-six that could be made by the hand. The barrel could be turned in one minute by machinery, while it now took two hours. The lower plate a principal part of the watch, could be finished in twenty minutes, it took two days by the hand. That was declared to be impossible at the meeting from which the petition presented by the hon. Member for Finsbury, emanated. The wheel and balances could be made by hundreds, where by the hand they can only be made by dozens. The pivots, which now took a week, could be made by machinery in a quarter of an hour, with the most beautiful accuracy. Mr. Hewit, a gentleman who possessed the most accurate knowledge on the subject, which no one could dispute, and who carried off all the Admiralty prizes, stated, that so powerful was the machinery, that one set of machines would perform as much work per day as 300 men. The hon. Member for Finsbury would say, if the machinery was so effective, why was it not put into operation; but the fact was that the machinery was extremely extensive. The undertaking required, accordingly, a very large capital, and by the present law the patent could not be held by more than twelve persons. All they asked for was, to transfer the power of the patent to more than twelve persons. The object of the projector of this patent was, of course, the substitution of a cheaper process in watch-making, for that which now existed, to combine greater accuracy, greater dispatch, and greater cheapness, in the production of the article, than had hitherto been exhibited. He (Mr. Ward) for his part wished to see the trade in watches restored to this country, and the English artisan in possession of the foreign market. The principle which he was seeking to establish, was already partially in use in Switzerland; and the projector of this design, had brought the very highest testimonials from Paris, as to his uniform probity. If the House should think fit to refer the bill to a committee, they might modify the clauses in any way they pleased, all he entreated now was, that they could not without inquiry reject a proposal which he believed to be of great importance to a great branch of our national industry.

Mr. *T. Duncombe* said, he could assure his hon. Friend that the opposition which he was about to offer to the bill did not proceed, on the part of his constituents living in Clerkenwell, from any such ground as his hon. Friend had stated. They did not object to the bill on account of any injury which it might cause to their own separate interests. If it could be shown that the bill would be beneficial to the country at large, they would be quite ready to forego their opposition. He thought, however, that he should make it clear to the House that of all the bubbles this was the greatest. His hon. Friend had made some omissions in his statement, which he would endeavour to supply from the prospectuses put forth by the promoters of the bill. They began with a scheme for raising a sum of 250,000*l.*—it was not to exceed 500,000*l.* In the first prospectus they stated:—

> "That, by means of the plan now submitted to the public, and with the assistance of numerous artificers, every part of a watch may be manufactured in the same place, and under the same superintendence, and consequently cannot fail to be incomparably superior to any produced under the existing system. A first-rate watch may be completed in one week, which at present cannot be accomplished under six."

It was in October or November that this prospectus was issued. But, notwithstanding this great bait to the public, not a single share was applied for. Under these circumstances, the directors put forth another statement, to the effect that Mr. Ingold having devoted his attention for more than twenty years to the manufacture of watches, had succeeded in discovering an invention, by which an incredible number of watches, of every variety of size might be made in a day. Yet, notwithstanding that announcement, they were unable to persuade the public to take one of their shares. They then came to Parliament, and said that the public will surely buy Parliamentary watches. There was no part of this bill more remarkable than the preamble—it was unlike the preamble of any any other bill that had ever been introduced. The preamble set forth that—

> "Whereas the parties hereinafter named were satisfied of the advantages to be derived from the application of this invention."

The preamble of all other private bills set forth that the adoption of the proposed plan would be of great national advantage, and the country looked to the House to ascertain that such inventions would be of national advantage. The preamble then set forth that the machinery of Mr. Ingold was of so extensive and costly a nature that it would require a large capital to put it into operation. That meant that they were too poor to carry the scheme into effect. Their poverty was their misfortune, and certainly they had done all in their power to remedy that misfortune. The capital of the company was to be 500,000*l.* In the first prospectus it was stated that the deposit per share was to be 5*l.*, and in the bill it had been reduced to 2*l.* 10*s.*; and Mr. Ingold was to be one of the managing directors of the company. He was also to have 2,400 shares in the company, without paying any contribution, and also to have one-fifth of the net profits of the concern, in addition to being one of the managing directors of the company. In a previous printed prospectus it had been stated that the capital employed would be turned three or four times in the course of the year at least, with a certain profit of thirty per cent., and if the capital were turned three times over in the course of a year, that would give a profit of ninety per cent. Now, the profits of Mr. Ingold, the simple-minded man, on his 2,400 shares would be 60,000*l.*; his fifth of the net profits would be 75,000*l.*, which, added to his emoluments as one of the managing directors, and the other advantages secured to him by the bill, would give to Mr. Ingold, the simple-minded man, an annual income from this company of 129,000*l.* Now, was it possible, under these circumstances, that they could come before this House and ask for its sanction? How they could have possibly deluded and deceived his hon. Friend he could not imagine. The specifications of the Aerial Transit Company were published and known to the world; but Mr. Ingold's specifications were not out, and were not to be out till next May, and who could tell whether there would be a patent, or any thing like a patent? Why not enrol his specifications, and let the public know at once what they were, before applying to Parliament for a Bill? He might rest his opposition to the measure upon that ground alone. This company, this cabinet council of Mr. Ingold's, had refused to give their names to a deputation of respectable and scientific men engaged in the watch-making trade, or to show them this new machinery. Nothing was proposed to be done by the company that could not be better done by a common partnership. This they might do at any time, but the fact was there was nothing in it. It was a mere scheme to raise a certain sum of money. The scheme was tried at Versailles in 1815, and failed, and was tried again in Paris, in 1840, when the French government was imposed upon in the same way as his hon. Friend. In Paris, too, it failed, and all the people who subscribed lost their money, and it would fail if it were tried here. Let these parties have the benefit of working their invention, if it were one, but let them carry on the work at their own expense. He intreated the House of Commons not to lend their sanction to that which, they might depend upon it, was one of the greatest bubbles that ever sought to be palmed upon Parliament. That we could undersell the Swiss was utterly impossible. Supposing there was anything in the invention, there was nothing to prevent the Swiss from copying it, and using the same machinery as we used. The Swiss were quite as ingenious as we, and the price of labour was so much lower with them that it was impossible for us to undersell them in commodities of this kind. He did not rest his opposition to the bill on the ground that it disturbed the interests of a portion of his constituency; but practically scientific men told them that this scheme was a delusion. He should, therefore, move that the bill be read this day six months.

Mr. *Gladstone* expressed his reluctance to approach a question involving a discussion on a private bill. The question, however, was so peculiar, and bore so directly on an important branch of our national industry, and such urgent application had been made to the Board of Trade respecting it, that it had been considered at that board, and he certainly had formed an opinion upon the question now before the House, namely, whether or not the bill ought to be read a second time; and it appeared to him to rest upon grounds so clear and decided that he felt it an obligation to state that opinion to the House for its consideration and judgment. He was sure the hon. Gentleman who had just sat down did not require to make any apology to the House upon the score that he was supposed to advocate the interest of his constituents. He admitted that the interests of those constituents, and of all parties engaged in the watchmaking trade, formed a most important element in the consideration of that question. At the same time, the hon. Gentleman would admit that it was scarcely possible to conceive anything more deplorable than the situation of the watchmaking trade at the present moment. [" Hear, hear."] It might be well to raise cheers at the mention of displacing labour by machinery, but was it not true that our watchmakers were driven out of every foreign market in the world—that they were totally unable to maintain the interest of the trade, or secure the possession of the home markets; and that the protective duty was no better than a mockery. The effect of the reduction of the duty on the importation of foreign watches to five per cent. had been the means of causing an increase in the legal importation, but the evil of smuggling was not stopped by it, and now, having lost the foreign market, our watchmakers were day by day losing the home market. He did not say that was an argument for the passing of the bill, but it was one for giving serious attention to any scheme which bore upon its aspect a probability of improving that state of things. The question was not whether the expectations of the company were extravagant, or their prospectus ridiculous, but whether the scheme bore a sufficient appearance and probability to warrant the House, not in adopting it, but in sending it to a committee up stairs. It had been said by the opponents of the measure that no advantage could arise from the formation of the joint stock company. But it was alleged by a number of gentlemen that they required no less a sum than 40,000*l.* to purchase one complete set of machinery, in order to make watches upon their principle, and that that sum of 40,000*l.* was to be sunk in machinery alone, irrespective of the capital required for the establishment, and of the floating capital required to support the business. Was that an amount which could be fairly held to be within private means? He thought not. They should remember that individuals who had capital would not be disposed to embark it all in an undertaking of that kind. It was said that much larger sums than 40,000*l.* were often sunk in business by private individuals; and that persons in the cotton-twist trade, for instance, had never come to Parliament for a bill because they required such a sum as 40,000*l.* for machinery. But let them look to the immense sums engaged, and to the immense profits made, in the cotton trade, and they would find a reason for the difference in the two cases. The watchmaking business was for the most part carried on by persons of small capital; and it might be very difficult to raise a sum of 40,000*l.* for machinery alone in that trade. The general rule adopted by the Legislature with respect to private undertakings was, that they should not incorporate a company for carrying on a business that might be carried on by individuals. But the House had in various instances adopted a contrary course, where that course might be supposed to be justified by peculiar circumstances. They had, for instances, incorporated the Ship Propeller Company, the White Lead Company, and the Patent Rolling and Compressing Iron Company, although large capitals had been already embarked in the business followed by some of those companies. It was said, however, that the present company had kept their specification a secret. If the parties applying for the bill succeeded in obtaining the assistance of the Legislature, there might be good reason for their keeping the specification secret. The great rival of this country in the manufacture of watches was Switzerland, in which country there was no such protection to inventions as existed in other countries, and there the invention might be pirated. It was also objected to the bill that the company did not pretend to make watches except upon a new construction. That was true. All they claimed was, that they had invented a better manner of making the parts of watches than that at present practised. That was expressly stated in their patent, which the hon. Member for Finsbury described as the greatest bubble in the world. Another objection to the bill was, that the scheme would never come to any good—that the intention of the promoters was only to apply an enormous capital to the trade, and to overpower individual competition. But there was one way in which the House could guard against that abuse, and that was to insert a clause to prevent the company from making watches in the ordinary manner. Another objection was that the project would injure the existing trade without any national benefit. Now, for his part, in supporting the bill, he had no motive whatever, except a wish for the national good; and, therefore, in looking at the number of persons and the extent of the trade which would be affected by it, he was of opinion that the bill ought to have a more exact, laborious, and accurate investigation, than was ordinarily given to private bills. For this reason, if the bill should obtain a second reading, he would recommend that it should not be referred to an ordinary private bill committee but to a select committee appointed by the House.

Mr. *Labouchere* thought the House ought to be very careful, lest, by the course proposed, they should break through the common course pursued by Parliament. If they wanted no special privilege, no bill was required. He was not one who looked with unqualified admiration at the present law of partnership in this country. That law ought to operate equally and fairly upon all parties. The general principle which ought to be adopted was not to give any exclusive or particular advantages to any party conducting any ordinary branch of trade, unless that branch could not otherwise be conducted. It was not any important improvement in machinery which should call for that exclusive privilege. Suppose an important improvement should be made in machinery, and they were asked to give an exclusive privilege to the cotton trade or the silk trade, would they not scout the proposal? Would they not say that there was intelligence and capital enough in the country to carry out the improvement without giving any special advantage to a certain party or a certain trade? He had great doubts as to the propriety of referring this bill to a select committee. It would be going from an established rule, and if they did so in this case they would be unable to refuse doing so in any other. He should therefore oppose the second reading of the bill.

Mr. *Wakley* had heard with surprise and deep regret, the speech of the right hon. Gentleman the Vice-president of the Board of Trade. It had involved the right hon. Gentleman in the charge of inconsistency of conduct. Could the right hon. Gentleman ever in future vote against going into committee to inquire into the operation of the Corn-laws? Could he refuse to inquire into the effect that law had on the manufacturers of this country? Although so meagre, shabby, and paltry, a case had been made out, yet the right hon. Gentleman said it was a case of investigation before a committee. Why the right hon. Gentleman had forgotten his own principles. It was only during the present Session that the right hon. Gentleman had said that it would be impolitic to make any change in the corn-laws, after so recent a change. Why the right hon. Gentleman dealt with the watchmakers last year. There had been a reduction in the protection to the watchmakers of 15 per cent. The watchmakers did not complain of this, on the contrary, they approved it. They said, "let the right hon. Gentleman do us justice with respect to food, and we will not ask for one farthing of protection." Look to the nature of the bill. It was set forth that 40,000*l.* would be required to carry out the objects of the company. It was a mere bagatelle. The money market was glutted with capital, and money could be got for 2 per cent. A banker, a Member of that House, told him that he would discount good bills at 1½ per cent. And what was the statement put forward? Why, that there would be a profit on the speculation equal to 90 per cent. No person could believe that this was a sound, valid, just, and judicious proposition, or one that ought to be sanctioned by the House. They stated it to be impossible to make watches without manufactories, and that it would require great capital. The hon. Member for Sheffield said he had seen the thing with his own eyes. It would be rather curious if he had seen it with another person's eyes. But he said the thing was clear, that it was demonstrated, that it was done. Then, if watches had been made without machinery, and without all this capital, why not proceed in the same way? What was the necessity of coming to Parliament, for, according to their own showing, machinery and capital were not necessary for the purpose? The object of the company was to grant licenses to others to carry on the trade; but how were others to get the ponderous machinery that was required? If their statement was true, they had no case before the House; if false, how could they trust them at all? Reference had been made to the Aerial Transit Company. He hoped the parties making this proposition would be the first to make an experiment in that invention—and make a trip to the moon, for such persons were not wanted here. Considering how trade would be disturbed if the bill passed, he hoped and trusted that the energy of the House would be brought to bear on the question, and that it would decide honestly and justly between those parties.

Mr. *Williams* said, that he had heard the statement of the right hon. Gentleman the Vice-President of the Board of Trade, with the deepest regret, and if her Majesty's Government sustained the doctrine he had laid down, it would strike terror and dismay into all the manufacturers of the kingdom. His principle was, that every schemer who came forward with a new invention was to have a joint-stock company to carry out their schemes, in opposition to the law which guided the commerce and manufactures of this country. How different was the conduct of the right hon. Gentleman in reference to free-trade? The right hon. Gentleman was entirely inconsistent. How differently Mr. Poulett Thomson acted when he was connected with the Board of Trade. A bill had been brought in to establish a company for the sale of medicines, on the ground—and a clear case was made out—that the medicines sold in the shops were impure; but Mr. P. Thomson said, on that occasion, that it was the policy and principle of the trade and commerce of the country not to establish monopolies which would be destructive of a large trade already existing in this country. This company said they wanted 40,000*l.* By the law of patents, twelve persons were joined together to carry out their objects. Did the right hon. Gentleman mean to say that twelve gentlemen connected with the watch trade were not capable of appreciating the merits of the invention, and of giving 40,000*l.* to promote it? He knew that they could advance a million of money if it were necessary; but he knew that the whole scheme was a perfect delusion, and it could only be successful by having a bill passed through that House, and annihilating the watchmaking trade of this country, and by throwing out of employment tens of thousands of industrious persons, and by depriving them of subsistence to carry out the plan of a Swiss adventurer. The whole of the trade was in confusion and uncertainty in consequence of the agitation of this bill. The hon. Member for Sheffield had said, that the effect of the measure would be to give employment to all the watchmakers of England who were now unemployed. There never was a greater fallacy than this. He could hardly believe that the hon. Member for Sheffield was in earnest when he said it. The scheme was tried in Paris seven years ago and failed, and now this Swiss came over here in the hope that he would be more successful in imposing the delusion upon the people of this country.

Dr. *Bowring* said, he would give his support to the motion, because he was confident that it would be found upon examination, that there was in reality no invention peculiar to the promoter of this bill; but that the whole machinery had been for centuries in use upon both sides of Mount Jura. Some years ago, an inquiry was made in Paris into the causes of the depression of the watchmaking trade in that city, and it was then found that the real cause was the superior accuracy and cheapness with which all the parts of a watch could be made by means of the machinery in use in Switzerland, and which he believed to be the very same as that proposed to be protected by the bill. He was surprised to hear the hon. Member for Coventry speak contemptuously of the inventor, because he was a Swiss. Did not the hon. Member know, that it was to Frenchmen and Swiss this country owed the introduction of the silk trade?—and it was to the enterprise of those foreigners we owed the foundation of the manufacturing prosperity of this country.

Viscount *Sandon* said, that his attention was turned to this subject because the town which he had the honour to represent was one of the three principally engaged in the watchmaking trade. He would not object to a commission of scientific men to inquire into the merits of the supposed invention, and the expediency of the bill, but he should oppose the present motion.

Mr. *Muntz* hoped the Hous would

allow an old manufacturer to say a few words. He would only ask how could the House judge of the merits of an invention, or pretended invention, when there was no specification? He should oppose the bill.

Mr. *C. Buller* said, that as this was a question of some importance, he wished to say a few words. He admired the straightforward and candid course taken by the right hon. Gentleman the Vice-President of the Board of Trade, and he was determined to give the bill his support. The Company only sought a fair protection from the House, and no monopoly or restrictive privilege whatsoever. On this subject a patent already existed, and all they sought was that the patent should be transferred to a larger number of persons.

Mr. *Ward*, in reply, said, that even if the House refused to accede to the motion, the invention would not fall to the ground, for that, as the machinery had been completed, others would be found to perfect the invention.

The House divided on the question that the word "now" stand part of the question;—Ayes 77; Noes 154; Majority 77.

List of the AYES.

A'Court, Capt.
Aglionby, H. A.
Aldam, W.
Arundel and Surrey, Earl of
Bailey, J.
Baillie, Col.
Baring, H. B.
Beresford, Major
Bernard, Visct.
Borthwick, P.
Bowes, John
Bowring, Dr.
Broadwood, H.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buller, E.
Cavendish, hon. G.H.
Chelsea, Visct.
Clerk, Sir G.
Colvile, C. R.
Denison, W. J.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douro, Marquess of
Eliot, Lord
Fitzmaurice, hon. W.
Flower, Sir J.
Freemantle, Sir T.
Gibson, T. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Goring, C.
Greene, T.
Grimston, Visct.
Hamilton, W. J.
Hanmer, Sir J.
Hardy, J.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hope, hon. C.
Howard, hon. C. W. G.
Hutt, W.
James, Sir W. C.
Jermyn, Earl
Knatchbull, rt. hn. Sir E
Lambton, H.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Mc. Geachy, F. A.
Mainwaring, T.
Martin, C. W.
Norreys, Sir D. J.
Ord, W.
Paget, Col.
Pollington, Visct.
Ponsonby, hon. C. F. A. C.
Ricardo, J. L.
Shaw, rt. hn. F.
Smith, rt. hon. R. V.
Smith, rt. hon. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, E.
Stuart, Lord J.
Strutt, E.
Taylor, T. E.
Tomline, G.
Vernon, G. H.
Wellesley, Lord C.
Worsley, Lord
Wrightson, W. B.

TELLERS.

Ward, W.
Buller, C.

List of the NOES.

Adderley, C. B.
Ainsworth, P.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Baring, rt. hn. F. T.
Barnard, E. G.
Barrington, Visct.
Beckett, W.
Berkeley, hon. Capt.
Blake, Sir V.
Bodkin, W. H.
Broadley, H.
Brocklehurst, J.
Buck, L. W.
Buckley, E.
Busfeild, W.
Byng, G.
Byng, rt. hn. G. S.
Cartwright, W. R.
Charteris, hon. F.
Chute, W. L. W.
Clay, Sir W.
Clive, Visct.
Clive, E. B.
Cochrane, A.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Copeland, Mr. Ald.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Dalrymple, Capt.
Divett, E.
Dodd, G.
Douglas, Sir H.
Duff, J.
Dugdale, W. S.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Elphinstone, H.
Escott, B.
Farnham, E. B.
Feilden, W.
Fielden, J.
Ferguson, Col.
Ferguson, Sir R. A.
Ferrand, W. B.
Forster, M.
Fox, C. H.
Fuller, A. E.
Gore, hon. R.
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grosvenor, Lord R.
Guest, Sir J.
Halford, H.
Hallyburton, Lord J. F. G.
Hampden, R.
Hastie, A.
Hawes, B.
Henley, J. W.
Heron, Sir R.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hornby, J.
Howard, Sir R.
Hughes, W. B.
Hume, J.
Hussey, T.
Ingestrie, Visct.
Irton, S.
Irving, J.
Johnson, Gen.
Johnston, A.
Jolliffe, Sir W. G. H.
Kelly, F. R.
Kemble, H.
Knight, H. G.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Leader, J. T.
Legh, G. C.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Visct.
Manners, Lord J.
Marton, G.
Mildmay, H. St. J.
Mitchell, T. A.
Mundy, E. M.
Muntz, G. F.
Murray, C. R. S.
Napier, Sir C.
Newdegate, C. N.
Newport, Visct.
Norreys, Lord
Oswald, J.
Paget, Lord A.
Palmer, R.
Pechell, Capt.
Peel, J.

Philips, G. R.
Flumptre, J. P.
Plumridge, Capt.
Ponsonby, hon. J. G.
Repton, G. W. J,
Richards, R.
Rolleston, Col.
Ross, D. R.
Round, C. G.
Russell, Lord J.
Russell, Lord E.
Sandon, Visct.
Scholefield, J.
Sheppard, T.
Sibthorp, Col.
Smith, A.
Stansfield, W. R. C.
Stock, Mr. Serjt.
Strickland, Sir G.
Thompson, Mr. Ald.
Thornely, T.
Tollemache, J.
Towneley, J.
Trelawny, J. S.
Trollope, Sir J.
Trotter, J.
Tufnell, H.
Turner, E.
Turnor, C.
Vane, Lord H.
Verner, Col.
Wakley, T.
Walker, R.
Wall, C. B.
Wawn, J .T.
Wood, Col.
Wood, Col. T.
Wood, G. W.
Wyndham, Col. C.
Wynn, Sir W. W.
Yorke, H. R.

TELLERS.

Duncombe, T.
Williams, W.

Bill put off for six months.

CUSTOM-HOUSE FRAUDS.] Mr. *Brocklehurst* wished to ask the noble Lord who was at the head of the commission to inquire into the Custom-house Frauds, when it was probable that the report of the commissioners would be furnished.

Lord *G. Somerset* replied, that the commissioners were extremely anxious to furnish the report with as little delay as possible, and he had every confidence that in the course of the Easter recess they should be enabled to present to the Treasury a report on part of the subject, and they would furnish as much of it as they could. Since the subject was last mentioned, a great mass of additional evidence had been furnished to the commissioners, and many new matters had been brought under their consideration, so that it was impossible to prepare a report on the whole subject at present, and he feared that if new evidence continued to accumulate in this way, that they should not be able to report on the whole subject during the present Session.

NAVAL DISCIPLINE.] An *Hon. Member* wished to ask a question of some Member of the Board of Admiralty, relative to a circumstance which he had seen described in some of the newspapers. It was stated, that on the conclusion of the trial of Captain Elliot before a court-martial, by which he was sentenced to be severely reprimanded on his return to his ship, he was received by the crew with such enthusiastic cheering, that the harbour of Port Royal re-echoed with it. He wished to know whether the Admiralty had received any information on this subject, and also, if it was true, whether it was not considered a most irregular proceeding, and contrary to all discipline.

Captain *Gordon* replied, that the Admiralty had received no information on the subject, but if the statement of the hon. Member were correct, no doubt the proceeding was objectionable, and not in accordance with the rules of the service. Still, perhaps, some excuse might be made, as the proceeding no doubt arose from the attachment of the crew to the captain of the ship.

OATHS TAKEN BY ROMAN CATHOLICS.] Mr. *Ross* wished to know whether it were the intention of the Government in the Irish Registration Bill, which it was understood they intended to introduce, to insert any clause to continue or to do away with the oath which Roman Catholics had to take at elections, that they would not make use of any power, right, or privilege given to them by the bill to injure the Established Church.

Sir *J. Graham* replied, that the hon. Member had given notice of his intention to introduce a bill on the subject; he, therefore, should on the part of the Government abstain from giving an opinion on the principle of it until he heard the arguments which the hon. Gentleman would no doubt urge in his motion to introduce the measure. Her Majesty's Government had no intention to introduce any clause, or take any other proceeding on the subject.

UNITARIAN BIBLE.] Lord *J. Russell* said, that he had been requested by a number of most respectable members of the body of Unitarians to correct an error which he had committed a few nights ago. He had stated, that that respectable body did not use the authorised version of the Scriptures; he found that he had wounded the feelings of several parties by this observation, and he was assured, that he was misinformed on the subject. At the same time, he found that the version of the Scriptures by Archbishop Newcome had been introduced into some schools and places of worship.

SUPPLY — POOR-LAW COMMISSION.] House in Committee of Supply. On the question, that the sum of 56,508*l.*, be granted to her Majesty, to defray the charge of salaries and expenses of the Commissioners for carrying into execution the Act for the Amendment of the Laws relating to the Poor in England and Wales, and the Act for the Relief of the Destitute Poor in Ireland.

Colonel *Sibthorp* rose to oppose the vote. It was not a sum that was already due, being for salaries, &c., payable on the 31st of March, 1844, and he did not see why they should vote prospectively so large a sum of money, after they had been told, that the right hon. Baronet, the Secretary of State for the Home Department, meant to bring in a Poor-law Bill upon a new principle, which he expected would reduce by a very considerable sum the expenses of the commission. Now, if that were to be the case, although he hoped the right hon. Baronet would not succeed in carrying his measure through the House, he thought it would be much more satisfactory to the country, before they agreed to this vote, if the right hon. Baronet would inform them in what state that bill now was—whether it were the right hon. Baronet's intention to press it forward in the present Session, and, if so, at what period of the Session? Whenever the right hon. Baronet brought it forward, it should receive his humble opposition, He was not at all willing to allow the vote to pass unquestioned, and he should propose a reduction, though, indeed, not a reduction which would satisfy him, for he would wish to annihilate the whole commission. The charge for the assistant-commissioners was 5,000*l.* He thought this a useless and unfair charge on the public, for the system took away all power from the local authorities, and was opposed to the public benefit as well as the benefit of the poor. With regard to Ireland, he thought some system of Poor-laws should be adopted in that country, but he should not wish to see established there the same cruel system as existed in England. He moved, that the vote be reduced to 20,385*l.*

Sir *J. Graham* said, in answer to the question of the hon. and gallant Officer, that it was the intention of the Government to introduce the Poor-law Amendment Bill in the course of the present Session, but it was not intended to alter the provisions of the act of last year, with reference to the continuance of the commission for five years. The pledge he had given with regard to the reduction of the expense of the commission, was fulfilled in the present estimate; for whereas in 1839, the cost of the commission for England and Ireland was 69,364*l.*, the vote now proposed did not exceed 56,000*l.* He had given an assurance last year, that the number of assistant-commissioners should be reduced as far as convenient; and this pledge had also been fulfilled, for the number of assistant-commissioners was now reduced by three. He had given a similar assurance with respect to the number of assistant-commissioners in Ireland; and this assurance had likewise been fulfilled, for already one assistant-commissioner had been reduced, and he expected that in the course of the present year, a further reduction might be made. He should be sorry that the committee should come to a decision on this vote under a misapprehension as to the continuance of the commission. The hon. and gallant Officer was most desirous, that the commission should be abolished. This question had been discussed in principle and detail in the course of the last Session; and the House decided in favour of the continuance of the commission; and now the committee had to decide whether they were prepared to provide for the support of the commission, which a large majority of the House had declared to be absolutely necessary. He had stated his opinion so often on the subject, that he was almost ashamed to repeat it. The practical working of the Poor-law measure was, in his opinion, impossible, without the aid of the central committee in London, and of the assistant-commissioners throughout the country. It was expected that the executive Government should be ready to answer questions with respect to the operation of the measure in various parts of the United Kingdom, and the Government could only obtain the necessary knowledge, and exercise a general superintendence and control, over the operation of the measure, through the instrumentality of the assistant-commissioners. He had formerly used an expression, which he now deliberately repeated, that the assistant-commissioners were the eyes and hands of the Executive Government, in respect to the operation of this measure. He was anxious, nevertheless, to reduce the expense as far as possible of this branch of the system, and not needlessly to multiply the number of the assistant-commissioners. The complaints against these commissioners had varied very much in their nature. It had been sometimes said of them, that they exercised too much control, but in the course of the present Session the general objection made was of an opposite nature; for whenever it represented that there had been any improper labour enforced in any workhouse, or that the health of the inmates was affected, or that there was anything wrong in the system of education in the schools, or in the details of the administration of the Poor-law, it was complained that the assistant-commissioner had not performed his duty with sufficient strictness. He could not believe, that what had been adopted by a large majority of the House last year, would now be reversed in a committee, where none but arguments which had been repeated *usque ad nauseam* were brought forward.

Captain *Pechell* said, he had been compelled by the manner in which the Poor-law was administered to offer to it every opposition in his power. The whole system had been one of interference with every arrangement which had been left untouched at the passing of the Poor-law Bill. Towns governed by boards of guardians, and incorporated parishes under the Gilbert unions, had been molested in every way; and this annoyance had been effected by the Poor-law commission through the agency of the assistant-commissioners. When he saw the improper manner in which they introduced themselves into the workhouses, he felt bound to express his disapprobation of the administration of the law, by supporting the motion of the hon. and gallant Officer. The amount of the salaries of the assistant Poor-law commissioners was 6,300*l.*, and their travelling expenses 8,200*l.* This, he supposed, included the expenses of the assistant-commissioner, who visited Sussex, and introduced himself in a smuggling manner into one of the Gilbert Union workhouses, not being known as an assistant-commissioner, and who obtained evidence from the governor of the workhouse in an improper way. A vote of censure was passed on him by the board, as well as on the individual who introduced him without any notice being given to the principal authority of the workhouse—the visitor. The object of all this interference with the Gilbert-unions was to effect their dissolution, and bring them under the paternal sway of the Poor-law commission. The conduct of the assistant-commissioners had, with only one exception, created nothing but dissatisfaction. The right hon. Baronet had said the other night that he was labouring under a malady. If this were so, he trusted the malady would not visit him in such a manner as to occasion on his part any abandonment or desertion of his political principles.

Mr. *Hume* understood that the hon. and gallant Officer (Colonel Sibthorp) wished to abolish the Poor-law commission; but he did not think that any rational man could desire to return to the system which existed before the establishment of the commission. The time would come when the hostility raised against the commission would cease, and then it might be considered possible greatly to reduce the expense of the commission; but he could not contemplate the time when the country could do without some central board to carry out the details of the measure and exercise a general superintendence. The right hon. Baronet had promised to reduce the number of assistant-commissioners, and as the number did not exceed nine there was a saving under that head. He was satisfied that until the system was entirely established in England and Ireland this commission could not be done away with. He wished to know whether the report of the commissioners appointed to inquire into the state of the agricultural districts would soon be laid on the Table of the House; and whether, with respect to the school at Norwood, which was conducted on a most excellent principle, the sum of 500*l.*, which appeared on the estimates, was all the expense connected with that establishment?

Sir *J. Graham* stated that last year, when the Poor-law Commission Continuance Act passed, the number of assistant-commissioners was twelve. He then said he thought that number might be reduced; and he had fulfilled the assurance given to the House, for the number was now only nine—not too large a number to perform the duties connected with the various unions in England and Wales. The commissioners of the inquiry into the state of the agricultural districts had made their report, and it would shortly be laid before the House. With respect to the Norwood school, which was conducted on the best principles, a portion of the expense was contributed by the different parishes that sent children there, and the whole expense falling on the public was 500*l.*

Mr. *W. Williams* observed, that though the expediency of abolishing the Poor-law commission might be doubted, still he thought the vast expense for England and Wales, where the unions were now formed, might be considerably reduced. At present, though the unions had been formed, there were precisely the same salaries paid, the same number of commissioners and assistant-commissioners, as when the heavy work was being done. He could not understand how the travelling expenses, which were at the rate of 3*l.* per day, could be justified. This, as well as the amount paid to clerks, was, in his judgment, a complete waste of the public money. He should like to know what now were the duties of a secretary at 1,200*l.*, and two assistant-secretaries at 750*l.* per annum, besides twenty-seven clerks, now that the unions had all been formed. This was an establishment totally uncalled for, and was only upheld for the purpose of furnishing places for individuals. If, therefore, the motion of the hon. and gallant Member for Lincoln was to keep the establishment to the limit to which it might be reduced, he should vote for it.

Mr. *J. Fielden* was convinced the country would be much better satisfied to return to the state of things which existed under the old system than to continue the unconstitutional machinery of the present Poor-law—a measure which had been introduced and carried for the purpose of reducing the wages of the labouring population. The right hon. Baronet, the Secretary for the Home Department, the other night had said, that a deep debt of gratitude was due to the labouring population for the patience they had manifested under most trying circumstances, and how was that debt of gratitude paid? Why, by now keeping up a law and a set of commissioners, who had been mainly instrumental in reducing the wages of labour, and in bringing about that state of things which occurred in the latter end of last summer. If the Legislature persevered with the law and this commission, he was convinced it would pursue a course which ere long would involve the country in bloodshed. The right hon. Baronet had told the House, that if the committee withheld this grant, the commission would be abolished. Then he contended, that every Member who voted in favour of the grant would take upon himself the responsibility of continuing the commission, and the state of things which flowed from its operation, and which placed the country in danger. The New Poor-law was intended to reduce the people to coarse food. It could not be denied, that it had had that effect, and that a serious reduction in wages had taken place. If hon. Members, then, would persevere in supporting the machinery from which so much evil had arisen, upon them would rest the responsibility, and not upon him, who had warned them of its consequences.

Sir *J. Guest* remarked, that it was arrant nonsense to ascribe the reduction of the wages of labour to the operation of the New Poor-law.

Mr. *Wakley* said, the hon. Baronet who had just sat down had been in the enjoyment of a flourishing trade for the last few years; but in a few years hence he would see a difference in his own district from the working of this measure. His opinion on the subject remained unchanged; he was still for the abolition of the commission. The hon. and learned Member for Bradford, who had always voted against the commission, was, in effect going to vote for it by agreeing to this money grant for its support. If the hon. and learned Member wished to give a useful and practical vote, now was the time, by voting against the salaries of the commissioners. He might rest assured there was no patriotism in the commissioners—they would not work without pay, and, therefore, by denying them the grant of their salaries, the commission might be wholly abolished. He wanted to ask the right hon. Baronet opposite (Sir J. Graham), if he did not think it extraordinary, that the sum required for postage in the office of the Poor-law commissioners should be so great as compared with the amount required in the right hon. Baronet's own office. The sum required for the Home-office, which was in constant communication with magistrates and other authorities, was 1,300*l.*, while the Poor-law Commission—a subordinate office to that of the right hon. Baronet, required 4,900*l.* for postage. It would appear from that estimate, that the clerks—the number of whom the hon. Member for Coventry complained of—had something to do.

He was very glad he had not to read all the correspondence which led to such an amount of postage, but he could not understand how that amount should so far exceed that required for the Home Department.

Sir *J. Graham* said the correspondence at the office of the Poor-law Commissioners increased every year, and when it was remembered, that it applied to no less than 580 unions in England and Wales, it was not remarkable that the cost of postage at the Home Office was insignificant when compared with that of the Poor-law office.

The Committee divided on the question that the sum be 20,385*l.*:—Ayes 14; Noes 93: Majority 79.

List of the Ayes.

Blackstone, W. S.
Blake, Sir V.
Chetwode, Sir J.
Duncombe, T.
Fielden, J.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Grimsditch, T.
Hodgson, F.
Muntz, G. F.
Napier, Sir C.
Wakley, T.
Williams, W.
Yorke, H. R.

TELLERS.

Sibthorp, Col.
Pechell, Capt.

List of the Noes.

Acland, T. D.
A'Court, Capt.
Acton, Col.
Arkwright, G.
Baillie, Col.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Visct.
Bentinck, Lord G.
Bernard, Visct.
Boldero, H. G.
Botfield, B.
Browne, hon. W.
Bruce, C. L. C.
Buckley, E.
Busfeild, W.
Charteris, hon. F.
Chelsea, Visct.
Clerk, Sir G.
Colquhoun, J. C.
Coote, Sir C. H.
Corry, rt. hn. H.
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Esmonde, Sir T.
Evans, W.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, Capt.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Guest, Sir J.
Hamilton, Lord C.
Hampden, R.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hatton, Capt. V.
Hawes, B.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hughes, W. B.
Hume, J.
Humphrey, Ald.
Jermyn, Earl
Johnstone, H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Mitchell, T. A.
Mundy, E. M.
Neeld, J.
Norreys, Sir D. J.
Peel, J.
Plumptre, J. P.
Pringle, A.
Protheroe, E.
Richards, R.
Ryder, hon. G. D.
Scrope, G. P.
Shaw, rt. hn. F.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Tennent, J. E.
Thornely, T.
Tollemache, J.
Towneley, J.
Trench, Sir F. W.
Trotter, J.
Vernon, G. H.
Young, J.

TELLERS

Fremantle, Sir T.
Baring, H.

Original proposition again put.

Captain *Pechell* objected to the travelling expenses of the assistant commissioners. Now that the machinery of the unions was established, he did not know what mischief could arise from abolishing the commissioners altogether; they were now employed in endeavouring to corrupt the Poor-law guardians. If the House were averse to doing away with the commissioners and assistant-commissioners, he thought, at all events, that their number might be reduced. He should move that their number be reduced by one commissioner and two assistant commissioners, which would be a reduction from the vote of 4,700*l.*

Colonel *Sibthorp* thought the minority in the last division a most respectable one; and as many of the opponents of the New Poor-law had since the division gone to dinner, he would put it to the hon. and gallant Member, whether it were prudent to risk a reduction of the numbers of the minority by another division?

Captain *Pechell* would not divide the committee upon it.

Vote agreed to.

Supply—Public Records.] On the question that a sum not exceeding 11,775*l.* be granted to her Majesty to pay the salaries of persons employed in the care and arrangement of the public records, *&c.*

Colonel *Sibthorp* begged to ask what was the condition of the records? If he mistook not, there should be an annual report from the deputy keeper of records, of the state in which they were laid before the House. He did not wish to oppose the vote, but he wished to know if there were any probability of the public records being collected together in some one place of security, as well as to be informed of the condition they were in.

The *Chancellor of the Exchequer* said,

in the plan for the building of the new Houses of Parliament, it was intended that arrangements should be made in that building for placing the records there. He had not since heard of anything to alter that arrangement.

Mr. *H. Hinde* suggested, that this vote should be postponed till the report of the deputy-keeper of the records had been presented to the House for its information.

Mr. *Protheroe* also thought it desirable to have this report before the House before this vote was granted. The records were being gradually classified and removed from their old repositories preparatory to their final removal. A part of them were now deposited in what was termed the Carlton Ride, the old riding-house of Carlton House, which was a most unfit place for the public records. He had observed, that on the contemplated removal of the courts from Westminster-hall to Lincoln's-inn-fields, Mr. Barry proposed to deposit all the records of the kingdom on the basement story of the present courts of law. He thought a more fitting place might be found for the records than a cellar. When cellars had been used at Somerset-house for this purpose, though with excellent arrangements, they were found not to preserve the records. Nothing could be better for this purpose than the tower proposed, or a large building like a college or library, where they might be safe from the effects of fire. Only the other day he observed a large fire near a place in which some records were deposited, but he believed that fire was now discontinued. He urged upon the Government the necessity of having a proper depository for the public records.

The *Chancellor of the Exchequer* said, he had not heard of the project of placing the records in the cellars of the new courts of law which it was intended, as was said, to erect in Lincoln's-inn-fields. At present the Government were much pressed to provide all the accommodations necessary for the various departments in public buildings; but, the present state of finances would not justify them in incurring fresh expenses. He thought that the Victoria Tower would afford ample room for the deposit of the records, and that there need be no apprehension of their destruction by fire.

Vote agreed to.

SUPPLY—QUEEN'S PRINTER (SCOTLAND).] On the question that, 1,815*l.* be granted to pay the salaries of certain officers in Scotland, and other charges formerly paid out of the hereditary revenue.

Mr. *W. Williams* said, there were some items of the amount, the expulsion of which he should move. He referred to the sums charged for the Queen's plate to be run for at Edinburgh and at the Caledonian hunt. He also objected to the payment of a salary of 600*l.* to the secretary of the Queen's printers in Scotland.

Sir *G. Clerk* reminded the hon. Member that some few years ago, upon the expiration of the patent of the Queen's printer in Scotland, it was proposed that the office should be abolished entirely, but it was thought necessary that some control should be exercised over the printing of the sacred Scriptures by booksellers and publishers there, and a commission was appointed, with a secretary, to whom 600*l.* a year was allowed, and the duty of that board was to collate the editions of the Scriptures published by private persons with the authorized version, in order to see that no erroneous copies were issued. Besides the salary of the secretary there were certain law and printing expenses which also amounted to 600*l.*

Mr. *Hume* thought it was quite inconsistent with the present state of the public finances to pay these charges out of the taxes. They were originally paid out of the Royal purse, but when the civil list got in arrear they became chargeable to the country, and had remained so. He had thought the commission would have been entirely an honorary one. He could not conceive how 5*l.* could have been expended in printing.

Mr. *W. Williams* thought it hard that the people of England should be taxed for horse-racing in Scotland. He knew very well that the people of Coventry would scorn to have a Queen's plate sent to them in this way.

Mr. *Hume* thought the House ought not to consent to this vote for the Queen's plate. Indeed, though it was called the "Queen's plate" it might be more justly termed the "people's plate," for it was paid for by the people. He wished to have some more precise information as to the disposition of the sum of 1,200*l.* charged for the salary of the secretary to her Majesty's printers for Scotland and for printing.

Mr. *F. Baring* said, that when the printing of the Bible was thrown open it was deemed necessary, to meet objections which were urged against such a step, to adopt means for ascertaining that the editions of the Scriptures were accurately printed according to the authorized version. In order to effect this object an unpaid commission was appointed, and they had a secretary whose duty it was to ascertain the correctness of the editions. This duty was necessarily a laborious one, and it was for the payment of the salary of this officer that the sum of 600*l.*, included in this vote, was required. The hon. Member for Montrose objected to the vote for the Queen's plate at the Edinburgh and other races. He might observe that the expenses of similar plates in England were defrayed by her Majesty out of the civil list; but in Scotland these charges had been defrayed from the hereditary revenue of the Crown This country had taken the hereditary revenue of Scotland, subject to these charges, and if the House refused to vote them they would be thrown upon the civil list.

Mr. *Williams* would not divide the House on the motion.

Vote agreed to.

SUPPLY — SECRET SERVICE.] On the question, that a sum not exceeding 39,200*l.* be granted, to defray the charge of her Majesty's foreign and other secret services,

Mr. *Williams* said, he must object to any vote of the public money under the term of "other secret services." He admitted that it might be necessary to appropriate a sum of money for defraying the charge of foreign secret services, but he considered that no money ought to be voted for such purposes in this country. Such a vote could only be applied for the employment of spies, who were frequently the instigators and promoters of riots and disturbances. Three or four years since a return was made to the House of sums of money expended for foreign and home secret services respectively, and it appeared from that return that, the amount appropriated to purposes of this nature at home exceeded that which was expended for secret services abroad. He would move that the vote be reduced by 20,000*l.* If, however, the right hon. Gentleman, the Chancellor of the Exchequer, would postpone the vote, and would lay before the House a statement of the amount expended respectively by the three Secretaries of State, he would not divide the House.

The *Chancellor of the Exchequer* declined to accede to the proposition of the hon. Gentleman. The hon. Member laboured under some misapprehension on this subject, for he could inform him that the secret service money required by the Home and Colonial Secretaries was just one-sixteenth of the amount required by the Foreign Department.

Mr. *Hume* observed that it was a singular circumstance that for several years past the same sum, 39,200*l.*, had been required for this purpose.

The *Chancellor of the Exchequer* said, that the Government asked for the amount which they conceived would be needed, and if the whole of the amount voted was not required it went to the credit of the public.

Lord *Stanley* said, this was practically a question of confidence in the Government. The whole of this money was expended by the Secretaries of State for particular purposes, which purposes were specified—such as the discovery of treasonable conspiracies, or for obtaining information with respect to foreign states. A comparatively small portion was required for the current service of the current year. What was required for each year was precisely what Government could not communicate to the House.

The committee divided on the question that the sum be 19,200*l.*—Ayes 13; Noes 100: Majority 87.

List of the AYES.

Barnard, E. G.
Brotherton, J.
Crawford, W. S.
Ewart, W.
Fielden, J.
Hatton, Capt. V.
Hume, J.
Morris, D.
Pechell, Capt.
Plumridge, Capt.
Strickland, Sir G.
Trelawny, J. S.
Turner, E.

TELLERS.

Williams, W.
Bowring, Dr.

List of the NOES.

Allix, J. P.
Arkwright, G.
Bailey, J.
Baillie, Col.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Bentinck, Lord G.
Bernard, Visct.
Blakemore, R.
Boldero, H. G.
Botfield, B.
Broadley, H.
Browne, hon. W.
Buckley, E.
Chapman, A.
Charteris, hon. F.
Chetwode, Sir J.
Clerk, Sir G.
Colquhoun, J. C.
Colvile, C. R.
Coote, Sir C. H.
Copeland, Mr. Ald.

Corry, rt. hon. H.
Cripps, W.
Darby, G.
Dick, Quin.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Eliot, Lord
Escott, B.
Evans, W.
Ferguson, Sir R. A.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimsditch, T.
Halford, H.
Hampden, R.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J.
Henley, J. W.
Hepburn, Sir T. B.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hughes, W B.
Humphery, Mr. Ald.
Hussey, T.
Jermyn, Earl
Jocelyn, Visct.
Kemble, H.
Knatchbull,rt.hn.SirE
Knight, H. G.
Lawson, A.
Lefroy, A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Maxwell, hon. J. P.
Mitchell, T. A.
Mundy, E. M.
Nicholl, rt. hon. J.
Norreys, Sir D.
Pakington, J. S.
Peel, J.
Plumptre, J. P.
Pringle, A.
Protheroe, E.
Rice, E. R.
Rose, rt. hon. Sir G.
Round, J.
Sibthorpe, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Stuart, H.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, J.
Towneley, J.
Trench, Sir F. W.
Trotter, J.
Wellesley, Lord C.
Yorke, H. R.
Young, J.

TELLERS.
Freemantle, Sir T.
Baring, H.

Original vote agreed to.

SUPPLY—STATIONERY.] On the next vote of 232,533*l.*, for stationery, printing, and binding, for the several departments of Government in England, Scotland, Ireland, and the colonies, and for providing stationery, binding, printing, and paper for printing for the two Houses of Parliament, and including also the establishment of the Stationery-office,

Dr. *Bowring* said, he saw a credit of 4,000*l.* was taken as expected to be raised from the sale of Parliamentary papers. It had been intended by the committee which recommended the sale of these papers, that the sale should cover the expense. He wished to know whether it was so?

The *Chancellor of the Exchequer*: By no means.

Colonel *Sibthorp* said, he should like to see a return of the expense of printing returns moved for by individual Members of Parliament.

Mr. *Hume* thought he could satisfy the hon. Member. A single slavery return, containing the names of slaves, and a great many unnecessary details, had cost more for printing than all the expenses of his motions. He wished he had a percentage on the reductions that his motions had caused. He had never moved for a return without either founding a motion on it, or using it for some further inquiry, and that within the Session.

Dr. *Bowring* said, that having had the good fortune to attract the favourable notice of the late Government, he had been employed by them, and had been offered the secret-service money to aid him in prosecuting his researches, but he always repudiated it; he had never laid out a penny of that fund, being of opinion, that it was best all that was done for the public should be done above board.

Captain *Pechell* wished to know whether the new boroughs were to have the statutes sent down to them as the old ones had, and whether such magistrates as were likely to attend to their magisterial duties might have copies sent to them. He objected to the present mode of distributing the statutes.

The *Chancellor of the Exchequer* said, that it was formerly the practice to send copies of the statutes to all the magistrates. This had been thought an unnecessary expense, and Parliament had determined that the system should be reformed, and that one copy should be sent to each petty sessions. He was not disposed to return to the old practice.

Mr. *F. Baring* wished to press on the Government the necessity of a revision of the present mode of distributing the statutes. The new boroughs must want copies, and he thought all of them ought to have copies sent to them.

Mr. *Hume* was of opinion, that the system of distributing the statutes ought to be revised. Some counties through the activity of a Member had twenty copies, whilst others had but four.

Mr. *Ewart* suggested, that there should be an improvement in the composition of the statutes, which was a disgrace to any country. They were composed of parenthesis within parenthesis, forming a complexity of style which contrasted most unfavourably with the simplicity which characterised the laws of other countries, and rendered it necessary that each should have an interpretation clause.

Vote agreed to.

Supply—Law Charges.] On the question that 38,000*l.* be granted to defray the expenses and law charges incurred by the Treasury,

Mr. *Hume* objected to the estimate. He found, that there was an expense of 15,000*l.* set down for the expenses of the late special commission. This sum, he considered too much. If the public money which was now wasted on such matters, were expended in giving the people employment it was probable that the riots would not have occurred.

Mr. *T. Duncombe* thought this vote demanded explanation. The sum required on the face of it was 47,000*l.*, and the sum asked for was only 38,000*l.*, the expenses of the special commissions (15,000*l.*) being included in the former sum.

Sir *G. Clerk* said, that the sum disbursed on the average of the last three years, added to the heavy expenses incurred by the late special commissions, made a total of 47,000*l.*, but that the whole sum which would probably be required to cover those charges in addition to the fixed charges would be 38,000*l.*

Mr. *T. Duncombe* called attention to the note which said, that

> " The two items in the account for fees and expenses incurred for prosecutions, &c., were formed on an average of the last three years' expenditure, ending March, 1842, which, owing to the state of the country, was of an unusually large amount, and therefore it was hoped that 38,000*l.* would be sufficient to cover the expenses of the late special commissions and of the coming year."

As the total amount of the law expenses of 1841 was 28,000*l.*; of 1842, 22,000*l.*; and of 1843, 38,000*l.*, he did not see how they made this 38,000*l.* on an average of the last three years. He should wish the vote postponed until they had the items of this 15,000*l.* before them for special commissions to Chester, Stafford, and Liverpool. He wished to see how those Gentlemen were paid who afterwards came down to support their views in that House.

Sir *J. Graham* said, that there was a difference between an estimate and an account. This 47,000*l.* was not the estimate for the ensuing year, but an account of the expenditure of the past year. The estimate of 38,000*l.* was explained in the note by Mr. Maule; and was expected to cover not only the ordinary current expenditure, but any outstanding debts on account of the special commission, the expenses of which formed an arrear of 15,000*l.* not taken in last year's estimates.

Mr. *F. Baring* said, it was true that the 15,000*l.* was an arrear for last year, but the fees to counsel and expenses of the prosecutions were said to have been framed on the average of the last three years' expenditure. If that were so, the figures did not tally. That sum was beyond the estimate of 28,000*l.* and 22,000*l.* for the years 1841 and 1842. If the last year was very expensive, as it was said, where did the Government get their money ? The right hon. Gentleman took only 22,000*l.*, and yet the average expended appeared to be 32,000*l.*

Sir *G. Clerk* said, that the average of the last three years only applied to the two items, for fees to counsel and expense of prosecutions; that the expenses of last year were 22,000*l.*, that the sum proposed this year in the estimates was 23,000*l.*, which being added to the 15,000*l.* arrear for the special commissions made up the sum of 38,000*l.* The right hon. Gentleman was mistaken in thinking that the average was 32,000*l.* The real comparison was between the ordinary expenses of this year with those of last. He admitted that the estimate might have been formed more clearly, but he would give any requisite explanation in reference to it.

Mr. *T. Duncombe* contended, that the House and the public had a right to know how the 15,000*l.* had been expended, more particularly as it seemed that there was a sum of 6,000*l.* more to be added to it. He could not believe that the legitimate expenses of the special commission would amount to 21,000*l.*, and he therefore moved that the vote be postponed.

Mr. *Lambton* hoped, as the vote was quite unintelligible, that the hon. Member's motion would be agreed to. He ventured to say that not a Member in the House could explain it.

Lord *Stanley* said, it partook of the character of an estimate and account. The two items for fees to counsel and carrying on prosecutions, and which had been taken on the average of the years 1840, 1841, and 1842, amounted to 26,000*l.*, which, with the salaries, made 32,000*l.*, but it was expected that not more than a sum of 23,000*l.* would be required for the ordinary expenses of the year ending March, 1844, to which it was necessary to add 15,000*l.*, not provided for last year, for the special commissions, making 38,000*l.*, the amount of the vote now proposed.

Mr. *F. Baring* declared, he was stupid enough not to understand it, and unless her Majesty's Ministers were prepared to say that it would be inconvenient to the public service to postpone the vote, he should support the motion of his hon. Friend.

The Chancellor of the Exchequer could not consent to the postponement of the vote, but would give every information which could be desired respecting it on bringing up the report.

Mr. *T. Duncombe* said, he should divide the committee, as the Government would not give the explanation he required.

The committee divided on the question that the vote be postponed.—Ayes 43; Noes 115:—Majority 72.

List of the AYES.

Aldam, W.
Baring, rt. hon. F. T.
Barnard, E. G.
Blake, Sir V.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Crawford, W. S.
Duncan, G.
Ellice, E.
Ewart, W.
Fergusson, Sir R. A.
Forster, M.
Gill, T.
Grosvenor, Lord R.
Hindley, C.
Horsham, E.
Hume, J.
Lambton, H.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Norreys, Sir D. J.
Ord, W.
Paget, Col.
Paget, Lord A.
Plumridge, Capt.
Ponsonby, hn. C. F. A. C.
Rice. E. R.
Ross, D. R.
Smith, rt. hon. R. V.
Strickland, Sir G.
Strutt, E.
Thorneley, T.
Trelawny, J. S.
Turner, E.
Vane, Lord H.
Wawn, J. T.
Williams, W.
Wood, G. W.
Wrightson, W. B.

TELLERS.

Duncombe, T.
Pechell, Capt.

List of the NOES.

Acton, Col.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Bailey, J.
Baillie, Col.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Bernard, Visct.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Broadley, H.
Bruce, C. L. C.
Buller, Sir J. Y.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Colvile, C. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
East, J. B.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Fitzmaurice, hon. W.
Flower, Sir J.
Forrester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Maxwell, hon. J. P.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Nicholl, rt. hon. J.
Pakington, J. S.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Pusey, P.
Rose, rt. hon. Sir G.
Round, J.
Ryder, hon. G. D.
Sandon, Visct.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hn. H. M.
Tennent, J. E.
Thompson, Ald.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Vernor, Col.
Wellesley, Lord C.
Whitmore, T. C.
Wortley, hn. J. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

Original question again put.

Mr. *Hume* said, that if they were not to have the details of the expenditure of the sum of 15,000*l.* required to defray the expenses of the late special commission, he should propose that the committee adjourn.

Sir *J. Graham* thought he was not asking too much, when he proposed that the hon. Member for Finsbury should give notice of a motion for the information he required, and allow the Government twenty-four hours to consider what course they would pursue.

Mr. *T. Duncombe* said, the committee

ought not to be called on to vote the estimate without having the details of the expenditure first communicated to them. They were told to vote the money first, and ask for details after. This would be shutting the stable door after the horse was stolen. The right hon. Baronet (Sir J. Graham) asked for time to consider whether the Government would give the details; but the contemptuous manner in which the right hon. Baronet had answered the hon. Member who proposed that the details should be given, or that the committee should adjourn, left very little hope in his mind that these details would be given. Under these circumstances, he should move that the committee report progress.

The *Chancellor of the Exchequer* said, that the estimate had been laid on the Table on the 14th of March, and the House had had seventeen days to consider it and to call for any information that might be required; but the hon. Member for Finsbury had waited until the last moment, and now proposed to stop the progress of public business. He put it to the committee whether the Government ought not to have twenty-four hours allowed, in order to consider whether the return intended to be moved for by the hon. Member should be granted?

Mr. *T. Duncombe* said, the Chancellor of the Exchequer was in error in supposing he had not asked for information till the present moment. He had the other day shown to the right hon. Secretary for the Home Department a written statement of the information he wanted, adopting in that statement the precise words which appeared at the foot of this page in the estimates, and which were supposed to be explanatory of the vote. The paper, however, was returned to him, and he was informed that the Government could not understand it;—that was to say they could not understand their own words. Was there, then, anything unreasonable in his proposition to have the details of this expenditure? He should certainly move that the Chairman report progress.

Lord *Stanley* said, the sum of 15,000*l.* in this estimate was required to cover bygone expenses incurred by the late special commissions; and if the hon. Gentleman required the details of that expenditure, he could give notice of a motion on the subject, and it would be competent for the Government to decide whether they would accede to the motion. Let the hon. Gentleman specify what it was he required, and not now refuse to pass a vote which it was confessedly necessary for the public service to pass.

Mr. *F. Baring* said, that the postponement of the vote for two or three days would occasion no inconvenience; they had not yet come to the end of the financial year, and, with the exception of the sum of 15,000*l.*, not 6*d.* of the money proposed to be voted could be spent until next quarter. He was ready to give her Majesty's Government time to consider whether or not they would give the information asked, but still hon. Members on his side of the House had an equal right to ask for twenty-four hours' delay to consider whether the sum asked for by the Government in this instance was correct or not. If his memory served him, he believed that information in detail as to criminal prosecutions had on former occasions been given. The Government was bound, in his opinion, to give such information as, without inconvenience to the public service, might justify the vote; and he must say, that to ask now for the grant of this money without the slightest detail whatsoever, was a course of proceeding which the committee ought to meet by postponing the vote until the right hon. Baronet was prepared to give some answer to the questions put to him.

Sir *J. Graham* said he was extremely sorry that any hon. Member should think his conduct had been contemptuous to the House; if it had seemed so, it was more from his manner than from any intention on his part. Before the Government could make up its mind as to whether the information sought should be granted or not, it was necessary to know what was the precise information asked. He was by no means disposed to say on the part of the Government that the information should not be given, but still it was indispensably necessary he should know the precise details of the information required. This could be done by a notice of motion when the House resumed. He felt the force of the observations of the right hon. Gentleman opposite (Mr. F. T. Baring), and he would therefore accede to the proposition that this vote should be postponed.

Vote postponed.

SUPPLY—THE MODEL PRISON.] On

the vote for a sum not exceeding 25,850*l.* for the expenses of the Pentonville Prison,

Mr. *Williams* said, he did not think that the attempt now made in this prison would be successful. The cost of the prisoners was about 33*l.* each per annum—more than would be expended for the best labour. He saw amongst the items a charge of 100*l.* for cleaning windows, and surely that labour might have been performed by the convicts.

Sir *J. Graham* said, that the estimates had been framed on the the report of the inspectors, and with a due attention to economy.

Mr. *T. Duncombe* wished to ask a question with respect to this prison. The separate and solitary system had been adopted. [No, no.] He believed there was not much difference between the two. The solitary system was being confined in a dark cell; and the separate system was being confined in a light one. [No, no.] Well, then, he would call it the separate system. Now, from the report of the Superintendent of the General Penitentiary, where this system had been adopted, he found a great relaxation had taken place in the discipline in consequence of the number of cases of insanity. He wanted to know whether this separate system, which during the last eighteen months had driven fifteen persons insane in the Millbank Penitentiary, was to be pursued in the New Model Prison. A more beautifully arranged prison than the New Model Prison could not be found; but he believed, that a more rigid system even than that pursued in the Penitentiary was to be pursued there. He also understood that the turnkeys and gaolers were sworn or obliged to make some declaration as to secrecy with regard to everything that happened within the walls of the prison; and if twenty or thirty individuals were driven mad, or died, or were starved to death, they were sworn to secrecy, and that it was as much as their place was worth to say anything about it. It was right that the committee should know some little of the system to be pursued there.

Sir *J. Graham* said, it was quite evident that the hon. Gentleman was not aware of the difference between the solitary and the separate systems. No two systems could be more unlike. In the separate system each prisoner, though confined in a separate cell, was daily visited by various individuals, by the chaplain, the surgeon, the officers of the prison, and by an instructor; and not only was regard paid to the prisoner's learning reading and writing, but he was visited by a task-master, who taught him some skilled labour; and so far from silence being pursued, conversation took place with all these parties, and, so far from the mind being excluded from occupation, a very large portion of the prisoner's time was actively employed. The hon. Member asked whether the system pursued was the same as that which had been pursued in the Penitentiary, and spoke of the evil results which had there taken place. With reference to the experiment in progress, he could only remind the committee that Sir B. Brodie and Dr. Ferguson were two of the governors of the institution. He was aware that melancholy results had been produced by the experiments at Millbank Penitentiary, and that the experiment of solitary confinement required to be closely watched; but every precaution was taken. A medical officer of the highest character had been especially chosen by the two gentlemen he had named, who resided in the institution, and saw each prisoner every day, and Sir B. Brodie and Dr. Ferguson attended as governors very frequently. To them the medical officer made reports with reference to the bodily health and mental discipline of the prisoners; reports were also made to the other governors, persons well worthy of trust, who were superadded to these. He admitted that this was a great experiment, which required to be carefully watched, but at the same time he was very sanguine as to its results.

Mr. *Hume* agreed in commending the excellent arrangements of the New Model Prison; but it was intended as a model. All its officers were paid; and if this were to be the plan pursued they ought to look to the expenditure and consider whether the counties could afford to introduce the principle. He did not object to the trial, but remembering how completely the Penitentiary had failed as a trial, he would caution the right hon. Baronet not to be too sanguine in his expectations. He was informed that very few of the prisoners who had undergone the discipline, and on whom so much expense had been laid out, could be calculated on afterwards to pursue an honest life.

Vote agreed to.

The House resumed.

DRAINAGE OF LANDS.] Mr. *Pusey* moved the second reading of the Drainage of Lands Bill, with the view of referring it to a committee upstairs.

Colonel *Sibthorp* objected to the further progress of the bill, and declared that he would divide the House.

The House divided on the question that the Bill be read a second time.—Ayes 59; Noes 4: Majority 55.

List of the AYES.

Aglionby, H. A.
Allix, J. P.
Antrobus, E.
Baring, H. B.
Barrington, Visct.
Bentinck, Lord G.
Bowring, Dr.
Brotherton, J.
Bruce, C. L.
Buller, Sir J. Y.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Colborne, hn.W.N.R.
Colvile, C. R.
Corry, rt. hon. H
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Farnham, E. B.
Fellowes, E.
Flower, Sir J.
Fremantle, Sir T.
Gaskell, J. Milnes
Gill, T.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, W. J.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, G. W.
Hume, J.
Irton, S.
Jermyn, Earl
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
McGeachy, F. A.
Martin, C. W.
Morris, D.
Plumptre, J. P.
Repton, G. W.
Smith, rt. hn. T. B. C.
Stanley, Lord
Sutton, hon. H.
Trelawny, J. S.
Trollope, Sir J.
Wawn, J. T.
Wood, G. W.
Worsley, Lord
Wynn, Sir W. W.

TELLERS.
Pusey, P.
Palmer, R.

List of the NOES.

Ackers, J.
Borthwick, P.
Ingestre, Visct.
Stuart, H.

TELLERS.
Sibthorp, Col.
Mackenzie, W. F.

The Bill read a second time, and referred to a select committee.

Adjourned at a quarter before one o'clock.

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HOUSE OF LORDS,

Monday, April 3, 1843.

MINUTES.] BILLS. *Public.*—*Reported.*—Sudbury Witnesses Indemnity.

3ª· and passed:—Coast of Africa.

Received the Royal Assent.—Consolidated Fund; House of Lords Oaths; Mutiny; Marine Mutiny; Indemnity; Transported Convicts; Justices of Peace (Ireland).

Private.—1ª· John Todhunter's Divorce; Slave Trade Abolition (Bolivia); Slave Trade Abolition (Uruguay); Slave Trade Suppression (Texas); Bolton Gas; Trentham Roads.

2ª· Birkenhead Cemetery.

Reported.—Bercot and Oxford Navigation; Hull and Selby Railway; Newcastle and Darlington Railway.

Received the Royal Assent.—Warwick and Leamington Railway; Lancaster and Preston Railway; Staffordshire and Worcestershire Canal; Nottingham Lighting; Cambrian Iron and Spelter Company; Littleton Inclosure; Samwell's Name; Lady Fleetwood's Naturalization.

PETITIONS PRESENTED. By Lord Kenyon, the Duke of Buccleugh, and the Bishop of Winchester, from Carnarvonshire, Tenterden, Hinckford, and Shiffnal, against the Union of the Sees of St Asaph and Bangor.—By the Duke of Buccleugh, from Glasgow, against Altering the Mines and Collieries Act.—By the Earl of Clare from Limerick, against the Irish Poor-law.—By the Marquess of Londonderry, from Sunderland and Cossey, against the Income-tax.—By the Earl of Wicklow from Havant and Bognor, in favour of the Dogs Bill.

TREATY OF WASHINGTON.] The Marquess of *Lansdowne* wished to put a question to the noble Earl (the Earl of Aberdeen) relative to some papers of great importance which had been communicated elsewhere, concerning an important branch of the treaty which had been recently concluded with the United States of America. The object of his question was to ascertain whether the noble Earl would object to lay before the House the correspondence which it appeared had taken place between the Government of this country and the government of the United States, relative to a difference of opinion as to the construction applicable to an important point of the treaty. He did not think that any objection could be offered to the production of those papers, and he, for one, should be extremely glad of any information upon the subject. He would also ask whether there would be any objection on the part of the Government to produce the instructions from the noble Earl to Lord Ashburton, when he was sent as a special commissioner. The instructions sent by a former Government had been produced, and he did not see any reason why the instructions to Lord Ashburton should not be produced. If the noble Earl stated, that in his opinion, the production of these instructions would subject the Government to inconvenience, he would not press it; but to the production of the copies which had been communicated to Congress he could see no objection.

The Earl of *Aberdeen* said, that the despatches to which the noble Marquess referred had only been received that morning. He had certainly read them, and had no objection to lay before the House the papers which had been communicated to Congress; nor would he object to the production of such further information as could be laid before the House without inconvenience to the public service. He had not the least desire to conceal anything. He would not even object to giving copies or extracts from the instructions to Lord Ashburton, if the noble Marquess would so frame a motion.

The Marquess of *Lansdowne* accordingly moved for copies of the correspondence between the two Governments, and for copies or extracts of Lord Ashburton's instructions.

Agreed to.

Lord *Campbell* regretted exceedingly that his noble and learned Friend, whose notice of motion stood for to-morrow evening (Lord Brougham), was not in his place, because the motion just now made by his noble Friend [Here Lord Brougham entered the House.] He was glad to see his noble and learned Friend, because he (Lord Campbell) was sure that he would be in his place, unless some grave cause elsewhere should exempt him from attendance. [Lord *Brougham:* It was a grave cause.] Lord *Campbell* would state for the information of his noble and learned Friend, that in his absence his noble Friend had moved that certain important papers should be laid before the House, respecting the article in the treaty of Washington, touching the right of search, and the interpretation put upon that treaty by opposing parties; and that the noble Earl opposite (the Earl of Aberdeen) felt it impossible to enter upon a discussion of the motion. [The Earl of *Aberdeen:* No, no; he did not feel any such impossibility.] He thought it probable, that on this ground, the motion for papers had been at once acceded to, because the terms of his noble and learned Friend's motion, of which he had given notice, were not confined to the settlement of the north-eastern boundary, but declared,—

> "That this House doth approve the conduct of the late negotiation with the United States; doth rejoice in the terms, alike advantageous and honourable to both parties, upon which the treaty has been concluded: and doth express its high sense of the ability with which the Minister sent to treat with the United States executed his commission."

Now, one of the most important points involved in that treaty was the right of visit; it was a point in dispute when the noble Lord (Lord Ashburton) left this country. There was then a difference subsisting between the two countries, and the noble Earl opposite (the Earl of Aberdeen) had written two excellent letters, which he had read again and again, and the position taken in those letters was denied by the American government.

Lord *Brougham*: I will save my noble and learned Friend all this trouble. His speech is addressed not to the House, but to me, because I defy the House, if I please to bring forward any motion to prevent me.

Lord *Campbell*: I only wish it postponed.

Lord *Brougham*: If I postpone it, there is an end of the matter; and if I refuse, why then there is equally an end.

Lord *Campbell*: I always assumed that my noble and learned Friend would do what is right.

Lord *Brougham*: And very justly so.

The Marquess of *Lansdowne*: All we desire to know is what you mean to do.

Lord *Brougham*: Undoubtedly if I saw any reason to put off my motion till the production of the papers, I should do so; but I find that my noble and learned Friend, in informing me, has given that kind of information which is sometimes called misinformation; for, though he says that my noble Friend opposite (the Earl of Aberdeen) wished the motion to be put off, my noble Friend denies that he has any such wish. I am in the hands of the House, but if I put off my motion, it must be till Friday; I cannot do it on any other terms. The right of visit I admit to be a most important matter; but in the view I take of this question, it makes a very immaterial difference whether the papers are produced or not. The right of visit formed no part of the negotiations of my noble Friend (Lord Ashburton). The object was the extinction of the slave trade, and not one word was said about the right of visit. If I am told, however, that there is anything in these papers to affect the question whether the treaty were well concluded, or the negotiations properly conducted, I will postpone my motion.

The Marquess of *Lansdowne:* I hope

that my noble and learned Friend does not suppose that I have taken the House by surprise, I was myself taken by surprise by the arrival of the Great Western on Saturday last, I have, therefore had no opportunity of giving any notice of my motion except that which I gave to the noble Duke this morning. With respect to the motion of my noble and learned Friend, of course he will exercise his own judgment as to the propriety of bringing forward his motion in the absence of all information, or of waiting until all the information shall be furnished. [Lord *Brougham* : I postpone it until Friday.] One word as to what had fallen from my noble and learned Friend on the subject of the right of visit. My noble and learned Friend has said that the question of that right made no part of the negotiations. Now it is impossible but that that right should have been the subject of negotiation, inasmuch as there is an article of the treaty expressly referring to the subject. Therefore, if it were not made the subject of negotiation, there is an article introduced into the treaty without any previous negotiation on the subject. I think this clause one of the most important in the whole treaty.

Lord *Campbell* : I was anxious to inform my noble and learned Friend, that among the papers which are embraced in the motion which has been granted are, the instructions to the noble negotiator. Now, until these instructions shall be produced, it will be impossible to determine whether or not they have been properly carried into effect.

The Earl of *Aberdeen :* The noble and learned Lord seems to think that my noble and learned Friend ought to postpone his motion, because I have acceded to the proposition of the noble Marquess. I have acceded to that proposition because I see no reason to decline producing those papers. I have, however, only received them this morning, and though I have read them, I believe that I am the only Member of the Government who has. It however requires some consideration before I can determine the exact terms in which the motion can be complied with. I am ready to admit that any difference which may exist with regard to the interpretation of the article alluded to, exists with regard to one of the most important articles in the treaty; but I am confident that the difference referred to is much more apparent than real, and I am sure that no difference exists which can lead to any inconveniences or any mischievous consequences. I have in my hand another paper, which will perhaps be considered of importance in reference to the motion of the noble and learned Lord opposite. It is a map, in which is laid down the boundary as settled by the treaty, and the different suggested boundaries, which was moved for on Friday night last.

Lord *Brougham* : I cannot allow this opportunity to pass without declaring that I entirely agree with my noble Friend in stating that the difference alluded to is apparent and not real. I have thoroughly examined the subject, and I pledge myself, as at present advised, to demonstrate to your Lordships that there exists no real difference whatever of the value of one rush. I am the last person in the world who would wish to proceed without possessing due information. Such a course would be most unsatisfactory to myself, to the country, and, most of all, to my noble Friend, who is the immediate subject of my motion. If I allow the motion, therefore, to stand for Friday, it must always be assuming that my noble Friend will be able to give the papers to the House to-morrow.

Lord *Ashburton* : From the peculiar situation in which I stand, I may be allowed to say a few words with regard to matters of fact, respecting the subject of these papers. I am anxious to obtain permission to do so now, because, from the nature of the debate which will take place on Friday, I shall not probably be present. Now, with respect to the question of the right of visit or search, the proceedings on the coast of Africa were a matter of discussion between the two countries; and I am satisfied, that when your Lordships are in possession of the papers which I now hold in my hand, you will see that there is, in point of fact, no difference at present existing between the two countries on this subject. This has been as clearly made out as it was possible for words and meaning to make it. The two governments are agreed—essentially agreed—on the subject; and this question has really arisen since my noble Friend undertook the negotiations. The footing on which it was subsequently placed by my noble Friend has left no great difficulty. Undoubtedly, I went out for the purpose of meeting this question, amongst others, which were the subject of complaint on the part of the United States. If there was nothing done on the subject from the time I arrived till the time I left, it was because I heard nothing but satisfaction expressed at the last communication made by my noble Friend (Lord Aberdeen). No complaint was made to me on the subject, and it was not my business to stir up any subjects of complaint. I left that country with the entire conviction, that the ground taken by my noble Friend was perfectly satisfactory. Your Lordships will, I am sure, excuse me for stating thus much; because the question appeared to me at one time to be an extremely angry one, until I arrived there, when I found it very different.

Lord *Brougham*: Whether it will be convenient or not for my noble Friend opposite to be prepared by to-morrow evening, I will at once, to prevent noble Lords from being brought down to the House upon an uncertainty, postpone my motion absolutely to Friday next.

Motion fixed for Friday, and the Lords ordered to be summoned on that day instead of Tuesday.

PORTPATRICK HARBOUR.] The Marquess of *Londonderry* begged to ask the noble Lord (the Earl of Haddington) at the head of the Admiralty, whether it were the intention of her Majesty's Government to keep up, or to abandon, the steam communication between Scotland and the north of Ireland, by the harbours of Portpatrick and Donaghadee? If something were not done to maintain the harbour of Portpatrick, the steam communication between that port and Donaghadee must be abandoned. Such had been the ability of the persons who had the management of that communication under the Government, that there had not been the least interruption in the communication during the whole of the late severe winter. Still something must be done. He, therefore, took that opportunity of asking the noble First Lord of the Admiralty, whether it were intended to apply to Parliament for a grant to repair and improve the harbour of Portpatrick?

The Earl of *Haddington* could not answer the question of the noble Lord at the present moment. If the noble Marquess had given him notice of putting the question, he should have been most happy to have given him every information in his power. He could now only repeat the answer he had given in the last Session, that at present there was no intention on the part of the Government to alter this station. They had received, however, many letters on the subject, but he would not pledge himself or the Government upon that or any other similar point. With respect to the repairs of the harbour, he was not prepared at that moment to give the noble Marquess any answer.

DOGS EMPLOYED IN DRAWING.] The Earl of *Wicklow* moved the second reading of the Dogs Bill. He was sorry that the noble and learned Lord (Lord Campbell) had endeavoured to turn the subject into ridicule, by inquiring, when the bill was introduced, whether it were a Government measure. The subject was one worthy of the attention of the House, and as a bill of the same kind had already been applied to the metropolis, he saw no reason why it should not be applied to the country, where these animals were much more likely to be treated with cruelty, as there was no vigilant police to watch them. A similar provision to that contained in this Bill was already in force in London, and within a circuit of fifteen miles round London. If the principle were good for London, why should it not be extended to the rest of the country? He had received evidence from different quarters of the danger as well as cruelty of the practice of employing dogs in the drawing of carts. It was an unnatural practice; the feet of the dog were not those of a beast of burthen. From the anatomy of the dog, it was obvious that it was not calculated to draw carriages. It was quite prevalent in some parts of the country to employ these animals to draw heavy burthens, such as fish from seaport-towns to railroads, and instances had been known for dogs to draw vehicles heavily laden with goods from Brighton to Portsmouth in one day, and they had been similarly employed the following day in returning a distance of about sixty miles. True, at Kamschatka dogs were regularly used for the purpose of drawing sledges; but the breed of dogs there was peculiar, much better adapted for the work; they never used less than four of them together, and only during the winter, when instead of hard flinty roads, they had to travel over ice and snow. Numerous were the accidents occasioned by horses taking fright at these dog carts —an evidence he sincerely believed, of an antipathy which he had often noticed in animals to anything unnatural. It had likewise been found that such an employment had occasioned hydrophobia — a disease which, he understood, prevailed in this country to a greater extent than it did even in Lisbon and at Constantinople, where dogs were most numerous. It might be said, that if this bill passed, the dogs which had been employed in the way he had described would be killed, and that such would be a cruel act; he thought otherwise, and knew that many dogs now subjected to great cruelty by their owners when the animals became incapable of exertion would be spared. Besides, many dogs were bred for such a purpose, and the number would be greatly reduced if the bill were suffered to pass. A large majority, consisting of men of all parties, had supported this measure on principle in the House of Commons, and he trusted their Lordships would not now reject it on the second reading.

Lord *Campbell* thought that the noble Earl had not made out a case for this bill. He had given his consent to the clause imposing this restriction upon the metropolis, on the ground that the dog-cart system was a peculiar nuisance in London; but he now thought that neither in London nor elsewhere ought they to impose that restriction upon the free use of any animal by man. Surely, if there had been any great grievance, the noble Earl would have had some stronger evidence. He had got a letter from a gentleman who had been frightened by a dog, and that was all. The noble Earl did not say the dog was in harness; for his own part, he should say, that dogs in harness were much less dangerous than dogs out of harness. He was not so good a horseman as his noble and learned Friend near him; but he was free to confess, that when these little yelping dogs came running between his horses' legs, he felt there was considerable chance of his being spilt. If, therefore, when he was taking his constitutional ride in Hyde Park, any of those little yelping dogs, so extremely dangerous to horsemen, came about his horse's heels, the best thing he could do would be to come down to the noble Earl and ask him to bring in a bill. The fact was, that the dog-cart system seemed unnatural to us because we were unused to it; as it would seem unnatural, probably, to the Esquimaux to use donkeys for that purpose. If the noble Earl complained of cruelty, was not as much cruelty shown to horses in harness, to mules in harness, to donkeys in harness? To be consistent, the noble Earl's bill should embrace them all. He should certainly oppose the noble Earl, and would conclude by moving, that the bill be read a second time that day three months.

The Earl of *Carnarvon* regretted the tone which the noble and learned Lord had adopted on this subject. The question was not one which ought to be treated with ridicule. The time had gone by when remarks of that sort, distasteful to a large portion of the religious community, could be made with any effect. The bill was loudly called for by humanity; it had been acceded to with regard to the metropolis; and when the noble and learned Lord talked of some difference between London and the country, he was at a loss to understand in what it consisted. Some noble Lords were opposed to legislating at all upon these subjects, but he had the means of knowing that no bill of that kind had been passed without producing the most beneficial results to society. He hoped their Lordships would yield to the prayer of the numerous petitions presented in favour of this bill.

The Earl of *Malmesbury* gave his noble Friend, the noble Earl who had just sat down, credit for the conscientious feelings by which he was actuated. His high character for humanity, and for religious feeling, was well known; but he was afraid that his noble Friend, and those who promoted his views upon this question, in considering the interests of humanity, had altogether laid aside the rights of the proprietors of dogs employed in draught. It was upon grounds of justice that he opposed the present measure. He lived in a county where dogs were employed in draught, and he had never known of or witnessed any acts of cruelty towards them. He denied that the treatment of dogs so employed was generally cruel, and unless that fact could be proved, he maintained that the Legislature had no right to interfere with any man's property, however humble it might be. In his opinion, the existing laws were sufficiently stringent to protect animals—dogs included—from wanton cruelty. It was always a hazardous thing to legislate against what were called nuisances. To interfere with matters like this—where the very means of poor and honest labouring men to obtain their daily bread were solely concerned—was, in his judgment, a very dangerous thing. He should, therefore, oppose the further progress of the bill.

Lord *Brougham* said, it was quite true that he did take a considerable share in the former bill, and he would not consent to withdraw from taking a similar share in favour of the present. He could not see any principle in the Metropolitan Bill which did not apply elsewhere, although there were undoubtedly some portions of this bill which were absurd, and which he would be glad to see altered in committee. He agreed with the noble Earls (Carnarvon and Malmesbury) who had just sat down, that it was a delicate subject of legislation, but the facts on which it was founded were undeniable. He could not see how any distinction could be made between London and Liverpool, Manchester, Birmingham, or any other large town. There were some objections to dogs being used in carts, which did not apply to other draught animals, that dogs did not perspire, and the consequence was, the constant protrusion of the tongue, and an incessant lapping of water. Those who used them in carts not only prevented their taking water whenever they wanted it, but they muzzled them, by which means they could not protrude the tongue. It was also to be considered, that the effect on the human mind, produced by the ill-usage of the lower animals, was to render it callous to the sufferings of human beings. The most direful malady that could afflict the human frame, was also connected with the treatment of dogs. He had been informed by an hon. Friend of his, a Member of the other House of Parliament—he meant the coroner for Middlesex—that since the passing of the Metropolitan Dog-cart Act he had not had a single case of hydrophobia brought before him. His hon. Friend was well known to be the editor of a celebrated medical work; and in that work he stated, that that most dreadful and most desperate of all maladies that could afflict humanity had, within the last three or four years, diminished sixfold, so that for six cases which occurred before the passing of the act, only one case had happened since.

Lord *Wharncliffe* said, if he were satisfied that the cases of hydrophobia had decreased since the doing away with the use of dog-carts in the metropolis and the districts thereof, that would be the strongest possible argument with him for supporting the motion of his noble Friend. But what he found fault with, in the present instance, was, that the facts were not clearly made out—he had doubts of the facts adduced. Then with respect to the prohibition of dog-carts in and within fifteen miles of the metropolis, that clause of the bill was not brought in with a view to humanity, but to do away with the inconvenience of allowing dogs in carts to pass through crowded streets. As to the cruelty of employing dogs in carts, he could state that the opinion of Mr. Youatt, a very learned and celebrated man both as a dog-doctor and a veterinary surgeon, was opposed to that of Mr. Sewell. Mr. Youatt was perhaps the best authority he could quote, as showing that the employing dogs as beasts of burthen was not cruel. Now, he would ask their Lordships whether the dogs drawing carts were often to be seen in the same wretched state as the cruelly-treated horses and donkeys of the humbler classes were? A dog must be kept in good condition; if his master attempted to goad him on by whipping, he would usually lie down, whilst the horse or the donkey were urged on to excessive labour by the use of the whip. He could not give his consent to the bill unless he were satisfied of the grounds on which it proceeded. There were already laws to prevent cruelty to animals, and he was sure if the noble Lords who had taken such pains—such laudable pains in this matter—would direct their attention to putting those laws in execution, they would effectually put an end to those cases of cruelty which occasionally occurred. Unless further information were obtained, he could not vote for the second reading.

The Earl of *Wicklow* replied, if the bill were allowed to be read a second time, it would go up stairs to a select committee, and the noble Lord would then obtain further information.

Lord *Wharncliffe,* with that understanding, would assent to the second reading.

Their Lordships divided on the question that the word " now" stand part of the motion.—Contents 14; Not-Contents 14.

The numbers being equal, it was (according to ancient rule) resolved in the negative, and the bill to be read a second time on that day six months.

House adjourned.

HOUSE OF COMMONS,

Monday, April 3, 1843.

MINUTES. BILLS. *Public.—Committed.*—Registration of Voters.

Private.—2°· Glasgow Marine Insurance Company; Gorbals Police; Ballochney Railway; Haddenham Inclosure; Stratford and Thames Junction Railway; Cliffe cum Lund Inclosure; Walton on the Hill Rectory.

Reported.—Leeds Gas; Great Gransden Inclosure.

3ª· and passed: Trentham Roads; Ipswich Docks.

THE TREATY OF WASHINGTON.] Mr. *Hume* wished to know whether the right hon. Baronet would, on consideration fix a day for him to bring forward the motion of which he had given notice respecting the negotiation of the Treaty of Washington.

Sir *Robert Peel* replied that he could not give the hon. Member any other assurance than those he had already given on the subject.

Lord *John Russell* wished to ask two questions of the right hon. Baronet with regard to the motion of the hon. Gentleman and to the treaty which had recently been entered into between this country and the United States. Before doing so, it would be necessary for him to say a few words in explanation, as the hon. Gentleman had given notice of a motion calling upon the House to express its approbation of the treaty. Now the treaty might be taken as divided into three parts—the boundary question—the mutual right of visit on the coast of Africa—and the mutual surrender of criminals. It would be desirable before the House engaged in a discussion on the subject that the construction of the treaty should be understood by the House. It appeared from the accounts recently received from America that a very different construction was put on some parts of this treaty in the United States from what was put on them in this country. The House was aware that the question of the right of mutual visit had led to much correspondence, first between his noble Friend the late Secretary for Foreign Affairs and Mr. Stevenson, and subsequently between Lord Aberdeen and Mr. Everett. This right of visit had been claimed on the part of this country by Lord Palmerston and Lord Aberdeen, and had been denied by Mr. Stevenson and Mr. Everett. It had been stated that before Lord Ashburton proceeded to America that Lord Aberdeen sent for him, and told him that any further communication with the United States government on the subject of the right of search would be left to that noble Lord. After the conclusion of the treaty it appeared that the government of the United States would not concede the right of visit, and referred to the eighth article of the treaty of Washington, to which they attached another meaning than the right of visit. On the first night of the session some conversation took place on this subject between his noble Friend, Lord Palmerston, and the right hon. Gentleman, in the course of which the right hon. Gentleman declared that there was no concession on the part of the Government of this country as regarded the right of visit, and that the despatch of Lord Aberdeen to Mr. Everett was the last official paper on the subject, and that in this document the right was distinctly claimed. It appeared that the statement of the right hon. Gentleman had reached America; a discussion had been carried on in the Senate, and the President had felt himself called upon to make some communication as to the treaty, which he interpreted in a different manner from the right hon. Gentleman. It appeared that the President, in answer to the address communicating the papers, among other matters gave the substance of the despatch of Lord Aberdeen. He believed that he did not give the literal despatch, but the substance of it, but in this communication of the President of the United States there was an assumption similar to that which he had made before. He said that they could not call upon the Government of her Majesty to make any distinct explanation of their views as to the right of search, nor was the Government of the United States to be called upon for further explanation, but that the meaning of the whole article of the treaty was a tacit abandonment of the right of visit. He would, however, read the passage in the President's message, to see whether it would bear the construction put upon the article:—

> "The principles laid down in Lord Aberdeen's despatches, and the assurances of indemnity therein held out, although the utmost reliance was placed on the good faith of the British Government, were not regarded by the executive as a sufficient security against the abuses which Lord Aberdeen admitted

might arise in even the most cautious and moderate exercise of their new maritime police; and therefore, in my message at the opening of the last session, I set forth the views entertained by the executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the treaty of Washington was negotiated, and upon consultation with the British negotiator as to the quantum of force necessary to be employed in order to attain these objects, the result to which the most deliberate estimate led was embodied in the eighth article of the treaty. Such were my views at the time of negotiating that treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the eighth article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast because of any alleged abuse of our flag by slave traders of other nations. We had taken upon ourselves the burthen of preventing any such abuse, by stipulating to furnish an armed force regarded by both the high contracting parties as sufficient to accomplish that object."

He would not read that part of the message which referred to the naval force of the United States, but would proceed to the concluding paragraph, which ran thus:—

"The purpose of this Government is faithfully to fulfil the treaty on its part, and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and the most amicable relations maintained between the two countries."

It appeared, then, according to the various statements which they had hitherto had laid before them, that there was the greatest difference of interpretation between the two Governments as to the eighth article—a very essential one. What he wanted, therefore, to ask the right hon. Baronet, in the first place, was, whether he was willing to communicate to the House that despatch of Lord Aberdeen which had lately been under the consideration of the government of the United States, and also any official despatch from Mr. Fox, containing the two messages of the President to Congress, subsequently to the Treaty of Washington; and in the second place, he wished to ask the right hon. Baronet whether he had any objection to communicate to the House any instructions given to Lord Ashburton, or any correspondence which might have taken place between Lord Ashburton and Mr. Webster, while the noble Lord was in America, with reference to this part of the treaty? Correspondence had been laid on the Table of the House with reference, he believed, to all the other main points of the negotiations between the two governments; but there was an entire blank with reference to this article. He could not but suppose, even though no other instructions to that effect had been given, that there was in existence some despatch in which Lord Ashburton gave the Government some information as to the conversations he must necessarily have had with the Secretary of the United States, and as to the interpretation which was put by that functionary upon the articles to which they mutually agreed. He had asked these questions that evening, without the usual notice, because he considered, that as the hon. Member for Montrose's motion on the subject stood for an early day, it was important that before that motion came under discussion, the House should know what was the construction of the article to which her Majesty's Government adhered.

Sir *R. Peel* said, that the despatches from Mr. Fox had only reached London that morning, and he had not received them till a very advanced period of the day, having been attending her Majesty in council, and very possibly, therefore, his answer might not be so complete as it otherwise might have been had he had more time to read the despatches, but, as it was, he thought he should be able to give an answer sufficient in substance to serve the purpose for which the noble Lord had put his question. He found, in the despatches from Mr. Fox, the last message of the President of the United States, delivered at the latter end of the month of February, 1843, to which the noble Lord had referred. There was also appended to that despatch a communication from Mr. Webster to the President of the United States, reciting, and faithfully reciting, the purport of the communication addressed by Lord Aberdeen to Mr. Fox, to be read to Mr. Webster, and which was written after the first message—the annual message—of the President of the United States. Of course he should have no difficulty whatever in laying upon the Table of the House extracts from the official despatch of Mr. Fox, containing the last message of the President, to which the noble Lord had referred, and also that communication of Mr. Webster which gave the substance of the communication made by Lord Aberdeen to Mr. Fox, commenting on the annual message. He would take care that the substance of those communications should be laid on the Table of the House at the earliest possible period. The noble Lord had further inquired with respect to the instructions given by Lord Aberdeen to Lord Ashburton upon the subject of what was called the right of visit, as distinguished from the right of search, namely, the right of any maritime nation, where there is *bona fide* suspicion of piracy, to visit a vessel for the purpose of determining whether or not the flag she carries is the one she has a right to exhibit. He proposed to lay on the Table of the House the despatch from Lord Aberdeen to Mr. Everett, which had not been officially communicated to the Honse, written December 20, 1841, which contained the principles by which her Majesty's Government were guided on that subject. From those principles her Majesty's Government had never departed. They had given no instructions to Lord Ashburton sanctioning him in any departure from the principles contained in that despatch of December 20, 1841, after Mr. Stevenson had left England. No instructions at all on the subject had been given to Lord Ashburton, the Government considering that despatch to contain, in the clearest and most conclusive manner, their views on the subject, and the principles to which they meant to adhere. He had stated in the early part of the Session that that despatch had remained without answer, and, as he was told, he had said also without an acknowledgment. If he had said that it had remained without acknowledgment, he was wrong. There had been an acknowledgment on the receipt of the despatch by Mr. Everett, and the promise of an answer at a future period. He would lay on the Table of the House the communication received from Mr. Everett, in reply to the despatch of Lord Aberdeen. He was not aware whether there were any other documents which it was desired that he should produce; if there were, and they could be produced without prejudice to the public service, he should have no objection to their production. As he had said before, Lord Ashburton had no authority whatever to treat on the subject of the right of visit, the Government considering the despatch to which he had referred as definitively settling that question. The noble Lord opposite had referred to the messsge of the President of the United States. He thought it would have been better to have abstained altogether from any comments upon that message until the subject came regularly before the House; but, as he thought it possible that the extracts which the noble Lord had read might produce an unfavourable impression, he would beg leave to read two other passages from the same document, which he conceived might have the effect of counteracting any such unfavourable impression. In the earlier part of his message, the President said:—

> "To seize and detain a ship upon suspicion of piracy, with probable cause and in good faith, affords no just grounds either for complaint on the part of the nation whose flag she bears, or claim of indemnity on the part of the owner. The universal law sanctions, and the common good requires, the existence of such a rule. The right, under such circumstances, not only to visit and detain, but to search a ship, is a perfect right, and involves neither responsibility nor indemnity. But, with this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, beyond the territorial jurisdiction. And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even those now communicated to this House. These declarations may well lead us to doubt whether the apparent difficulty between the two Governments is not rather one of definition than of principle. Not only is the right of search, properly so called, disclaimed by Great Britain, but even that of a mere visit and inquiry is asserted with qualifications inconsistent with the idea of a perfect right."

He would not make any comment upon this passage, further than that he thought it was calculated to allay any apprehensions which might else have arisen from the extracts which the noble Lord had read. In addition to what he had now said, he begged to state that the bill for the adjudication of the Oregon territory, which had passed the Senate, and the passing of which was alluded to as a matter of great importance in the late debate, had not passed the legislature. A motion discountenancing the passing of the bill had been introduced, and the House separated on that motion. He might also state that another bill had been passed, enabling the executive government of the United States to give full effect to the treaty of Washington. He had no objection that the documents moved for should be laid on the Table of the House.

Mail-Coach Contract. (Ireland.)] Mr. *Ross* begged to ask the noble Lord the Secretary for Ireland whether it were true that a new contract had been taken for the supply of mail coaches in Ireland, to the exclusion of Mr. Purcell, the gentleman who had fulfilled this contract for the last ten years?

Lord *Eliot* said, that such was the case. The contract being about to expire, the Post-office authorities had given notice in the usual terms that they were ready to receive tenders from persons desirous of taking the contract for the next year. Three tenders were sent in; one by Mr. Purcell, the present contractor, proposing to contract again on the existing terms; one from Messrs. Wright and Williams, of London, who proposed to contract on lower terms than Mr. Purcell; and a third from Mr. Croal, of Glasgow, who proposed terms considerably lower than Mr. Purcell's, and by which in fact, a very large sum per annum would be saved to the public; in fact, no less than 2,000*l.* a-year, or nearly 10,000*l.* upon the whole duration of the contract, without any deterioration of the service. When Mr. Purcell was told that these parties had undertaken the contract on terms lower than his own, he then proposed to execute the contract on the lowest terms offered, but the Government thought it would not be justice to the other party, who had in the first instance proposed the lowest contract, to take the contract away from him and give it to Mr. Purcell. The Postmaster-general, he thought had taken the only course which in fairness he could take, namely, to give the contract to the person who in the first instance had put in the lowest tender, according to the terms of the Government proposal, and that gentleman was Mr. Croal.

Mr. *Ross* said Mr. Purcell put in his tender exactly in conformity to the advertisement, whereas Mr. Croal and Messrs. Wright and Williams, of London, though they put in tenders, both lower in price than Mr. Purcell, accompanied their tenders with a condition that the Postmaster-general was to allow an extended time for the supply of the necessary number of new coaches, and that they should be permitted to work old coaches for some months, until the new ones could be furnished; a condition which Mr. Purcell did not make. Mr. Purcell conceived that any tender accompanied by conditions could not and should not have been received or entertained; and that the only legal and proper tender offered was his own. After his tender was received, Mr. Croal still adhered to the condition which accompanied it. Mr. Purcell considered he was entitled to the same permission to amend his proposals, which certainly would have been different had he been aware that the Post-office did not intend to adhere to its own printed conditions.

Captain *Bernal* asked why, in the present instance, the usual notice for tenders had not been given. The contract expired on the 28th May next, but no notice was issued by the Postmaster-general until the 22d February, though six months notice was the proper notice to give in these cases.

Lord *Eliot* said, he would ask the Postmaster-general this question, if it were desired, but as he was not connected with that department he could not himself answer it.

Registration of Voters.] On the Order of the Day for going into committee on the Registration of Voters Bill being read,

Lord *John Russell* said, that before the bill was recommitted, he wished to say a few words as to a most important alteration which had been made in it while it was passing through the House *pro forma*, after having gone through a committee. According to the bill as it was originally framed, a certain tribunal was appointed for deciding upon points at law which might arise; but there remained a power which was confined to the House by the Reform Bill, and which formed one of the most valuable privileges of the representatives of the people—that of possessing the right of final judgment as to the exercise of the elective franchise. This was a power which the House had always asserted and maintained, but which it was now proposed to abandon. The change of which he complained was this, that all questions as to matters of law which might arise were to be decided by the Court of Common Pleas, the decision of which court was to be final to all intents and purposes, overruling the decisions of the House of Commons. Now this was a complete surrender by the House of a right which for centuries it had asserted and maintained—a right which was one of the chief foundations of the liberty of the subject. It might be wise, perhaps, in the opinion of some hon. Gentlemen to make this alteration—it might be the pleasure of the House that the alteration should remain; but, at all events, it seemed to him that a committee, *pro formâ*, was not the place or manner in which so important an alteration should have been made. Had there been such a provision as this in the original bill, he should certainly have felt it his duty to have voted against the second reading of the measure in the first instance, strongly impressed as he was with the absolute necessity of their retaining this valuable right, which they had so long maintained. He considered it a most dangerous precedent that such important alterations should be made in a measure in a committee, *pro formâ*, after the bill had been duly considered by the House in committee. It was to be borne in mind that courts of law were generally guided by very technical rules in their decisions, and that the effect of these rules generally was to narrow the franchise. In the case of questions affecting corporations, which were submitted to courts of law, it was always found that where the terms "commonalty" and "community" were made use of before them, the courts always construed the term in the limited sense of some twelve particular persons, and in the same way would the courts of law, if they had the final decision in points of law relating to elections, narrow the elective rights and franchises of the people. What he should apprehend was, that if they gave this right to the courts of law, without the power of final revision, they would find in the course of time that the 10*l.* householders' rights, the rights of the freeholders, and other franchises, would be narrowed by the technical rules of interpretation which would be acted upon by the courts. It had always been the maxim of that House that in questions of doubt the decision should be given in favour of the franchise, but the alteration which had been made would entirely overrule this maxim. He begged, therefore, to ask the hon. Gentleman whether it was his intention to adhere to the new clauses, especially clause G, which, uncalled for, and unwarranted by anything in the preamble of the bill, would operate as an entire reversal of the Reform Act, a complete repeal of that act as far as this matter was concerned.

Sir *James Graham* had, on the former occasion, deeply regretted the absence of the noble Lord, because, notwithstanding any differences that might exist between himself and the noble Lord as to general matters of policy, in questions touching the rights of electors, the regulation of the franchise, and all the proceedings connected with the privileges of that House, he considered the opinion of the noble Lord to be of the highest importance. The noble Lord, however, was quite wrong, when he said, that this change was made in a committee, *pro forma*: it was made during the progress of the bill, in a committee regularly considering its clauses. The House would do him the justice to remember, that in the first instance he had been prepared to take the bill as it originally stood; it was from the other side of the House, that the suggestion proceeded, which he, upon consideration, saw reason to adopt, that instead of a tribunal composed of three barristers, as was proposed in the first instance, the points of law should be referred to one of the courts at Westminster. The House would bear in mind, he also thought, that on both sides of the House, after discussion, the general opinion was in favour of making this alteration; and he (Sir J. Graham) had yielded to what he considered to be the wish of the great body of the House. On the present occasion, instead of going through the clauses on the report, he had moved, that the bill should be re-committed, so that the House might now, if they thought proper, go through the clauses *seriatim*, exactly as though the bill had never been committed. The clauses to which the noble Lord referred, and more especially the clause G, which rendered the decision of the court of law, on matters of law brought before it, conclusive, he himself (Sir J. Graham) should be disposed to retain; but it would be open to the noble Lord, or any other hon. Member, to move the rejection or modification of those clauses. He must say, however, he was somewhat surprised to hear the noble Lord objecting to the principle of this clause; because, when he was considering the matter before, he had in his mind what occurred as to the Irish Registration Bill, when this very principle came under discussion, and when, if his memory did not altogether fail him, the noble Lord, with reference to Irish registration, did propose that the register should be final, and that appeals as to the right of voting, should be referred to the judge of assize on circuit. It was somewhat extraordinary, that the noble Lord, so jealous of entrusting decisions here to one of the superior courts of Law at Westminster, should have been so ready to commit that large power in Ireland to a single judge of assize on circuit. He (Sir James Graham) did not go so far; he gave it to one of the superior courts at Westminster; but the principle was the same which had received the sanction of the noble Lord as to Ireland. He did not think it necessary, at that stage of the proceedings, to go further into the matter. He hoped the House would go into committee on the bill, notwithstanding the preliminary objection of the noble Lord; they could then consider the clauses *seriatim*, including those which introduced the new tribunal; and the noble Lord, or any other Gentleman, might then bring forward any objections, whether to the details or the principle. As for himself, as at present advised, he did not see anything dangerous or unconstitutional in the proposition that appeals, as to matters of law—for the appeals were to be strictly confined to matters of law, and not to include matters of fact or evidence—should be referred to one of the superior courts at Westminster, or that when the opinion of such court was pronounced, the decision should be final.

Sir *George Grey*, having been present in the committee refered to, begged to say a few words. There certainly had been stated a strong objection on his side of the House to the appellate court proposed in the original bill, of three barristers of a certain standing. It was considered that the barristers, perhaps, might not carry much weight in their decisions; certainly not so much as that which would be attached to the decisions of judges; and it was proposed that all appeals as to matters of law should be referred to judges of assize. This was also objected to; and it was then proposed, also by an hon. Gentleman on his own side of the House that the appeals should be made to one of the courts at Westminster to which the right hon. Baronet was inclined to assent, and which appeared, upon discussion, to be the general opinion of the House. As to the making the decisions of this court final and conclusive as to committees of this House, however, that had been objected to; and he certainly considered that this very important part of the question had, by general consent, been left open for future consideration.

House in committee on the bill.

On clause 28,

Mr. *Hume* wished to know whether the whole number of 85 barristers must be appointed, or whether the judge would use his discretion and appoint a smaller number.

Sir *James Graham* said, the words were "not a greater number than 85," so that the judges might appoint a smaller number if they thought necessary, but he had no hope that such would be the case, for at present the number was 160, and the bill reduced it one-half.

Mr. *B. Dennison* wished to know whether the judge would appoint one barrister only to revise one district or riding?

Sir *James Graham* said the judges would appoint the barristers to districts or ridings as they saw proper.

Mr. *B. Dennison* was interested in the question, because it was not possible for one barrister to go through the revision of the West Riding of Yorkshire. He however, did not ask for three barristers, but only two, who might be employed for thirty-four days. It was not possible to complete the revision in twenty-five days. At the same time if they had more than one barrister in a district, there might be in that district conflicting decisions. He wished for two barristers, and that the judge, if an exception could be made, should be forced to divide the West Riding and that each of them should be employed thirty-four days, though the 200*l.* for each would, perhaps, then be an inadequate consideration.

Sir *James Graham* said, that by the 29th clause, the judge had power to divide the districts; but that was a power which was used exceedingly sparingly. With respect to the remuneration, a portion of it was allowed for travelling expenses, and could be found sufficient if the barrister remained a greater number of days stationary.

On clause 40, empowering revising barristers to expunge names of persons misdescribed, with a proviso to allow the claimants to correct the mistake,

Mr. *Aglionby* proposed to add the words "upon proof that a notice of the objection aforesaid shall have been given." The hon. Member said that his object was to prevent *bonâ fide* claimants, who might be objected to when they were not present, on account of a misdescription, being struck off the list.

Sir *James Graham* said, that the point which the hon. Gentleman had raised was a new one, and it was the first time he had heard of it. There had been no notice of the amendment, but he was quite willing to consider it, and state what course he should pursue at a future stage.

Mr. *Aglionby* said, he would leave the matter in the hands of the right hon. Baronet.

Amendment withdrawn.

On clause 44, line 14,

Mr. *Gally Knight* proposed the omission of the penalty of 20*s.* for the purpose of inserting 40*s.*

Sir *J. Graham* remarked that the proposition had been already negatived by a large division.

Lord *J. Russell* remarked that 20*s.* would be amply sufficient where the person was objected to for the first time, but a great hardship was imposed on a person whose name was on the register, and yet constantly objected to. There ought to be a distinction made between the two cases.

Sir *J. Graham* was of opinion that the greatest abuses would be found most frequently to occur in making the first claims, and putting the first objections.

The committee divided on the question that the word Twenty stand part of the clause:—Ayes 113; Noes 30: Majority 83.

List of the AYES.

Aglionby, H. A.
Bailey, J.
Baring, rt. hn. F. T.
Baskerville, T. B. M.
Bentinck, Lord G.
Bernard, Visct.
Borthwick, P.
Botfield, B.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buckley, E.
Busfield, W.
Cavendish, hn. G. H.
Chetwode, Sir J.
Clerk, Sir G.
Clive, E. B.
Colebrooke, Sir T. E.
Corry, rt. hn. H.
Crawford, W. S.
Dalmeny, Lord
Darby, G.
Douglas, Sir C. E.
Duncan, Visct.
Duncombe, hon. A.
Egerton, Sir P.
Eliot, Lord
Elphinstone, H.
Estcourt, T. G. B.
Fielden, J.
Ferguson, Col.
Filmer, Sir E.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Flower, Sir J.
Follett, Sir W. W.
Forster, M.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir G.
Hall, Sir B.
Hamilton, W. J.
Hawes, B.
Heneage, E.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Horsman, E.
Howard, hn. C. W. G.
Hughes, W. B.
Hume, J.
Hutt, W.
Irton, S.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W. G. H.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lascelles, hn. W. S.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mahon, Visct.
Martin, J.
Martin, C. W.
Marton, G.
Maxwell, hn. J. P.
Morris, D.
Morrison, J.
Peel, rt. hn. Sir R.
Peel, J.
Philips, G. R.
Philips, M.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rice, E. R.
Roebuck, J. A.
Rose, rt. hn. Sir G.
Round, J.
Russell, Lord J.
Shaw, rt. hn. F.
Smith, rt. hn. T. B. C.
Stanley, Lord
Stewart, J.
Strickland, Sir G.
Strutt, E.
Sutton, hn. H. M.
Tancred, H. W.
Tennent, J. E.
Thornley, T.
Trelawney, J. S.
Trench, Sir F. W.
Tufnell, H.
Vane, Lord H.
Villiers, hon. C.
Wawn, J. T.
White, S.
Williams, W.
Wood, Col.
Wood, Col. T.
Wood, G. W.
Worsley, Lord.
Wyndham, Col. C.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Ackers, J.
Aldam, W.
Arbuthnott, hn. H.
Arkwright, G.
Bowes, J.
Broadley, H.
Christopher, R. A.
Colvile, C. R.
Cripps, W.
Dick, Q.
Dickinson, F. H.
Fitzroy, hn. H.
Forester, hn. G. C. W.
Gladstone, Capt.
Glynne, Sir S. R.
Greenall, P.
Hardy, J.
Hatton, Capt. V.
Hussey, T.
Lawson, A.
Mc.Geachy, F. A,
Mainwaring, T.
Marsham, Visct.
Master, T. W. C.
Mitchell, T. A.
Mundy, E. M.
Neville, R.
Norreys, Sir D. J.
Sibthorpe, Col.
Trollope, Sir J.

TELLERS.

Knight, H. G.
Turner, E.

Clause agreed to.

On clause 57, relating to the remuneration of revising barristers, being put,

Mr. *Aglionby* mentioned, that he had been requested to state that the remuneration proposed was thought by many gentlemen at the bar to be inadequate, as the twenty-five days would, in many cases, be insufficient for the business to be transacted,

Sir *J. Graham* observed that it was difficult properly to fix the rates of remuneration, but that a careful consideration of the subject, joined to the advice which he had sought for and obtained from those most qualified to give an opinion on the subject, induced him to consider the proposition before the committee as, on the whole, a reasonable one.

Clause agreed to.

On clause 58, appeals to be heard by the Court of Common Pleas,

Lord *John Russell* thought the committee should consider that, and several of the following clauses with reference to that clause, not only constituting the Court of Common Pleas the Court of Appeal, but of making the decisions of that court binding on committees of the House of Commons. He thought that it must be allowed that this was a question of great magnitude and importance. Ever since the House of Commons had existed, at first through struggle and difficulty—afterwards more calmly and without dispute—it had asserted that the final decision on questions of this nature, the power of deciding upon the election of Members of Parliament rested in itself. He was not then going to enter fully into the arguments which might be brought forward upon the subject; but would it not be wise—now that they were going to appoint a new court of appeal, such as had not before existed, and to endow that court with certain powers—would it not be wise not to completely part with the power of the House of Commons over the election of its own Members. He had objections to entrusting judges with that power. They could not very well assert, from any knowledge they had upon the subject, that these judges were infallible, and they could not deny that it was possible but that these judges might also take a greater interest and a more conspicuous part in political proceedings than they had hitherto done. That of itself would be a great misfortune, if, instead of judges looked up to by all as unconnected with politics, they should have to combine their names with the triumph of one political party, and the defeat of another- If they were to have one political party rejoicing, in the decision of the Court of Common Pleas—and another party angry and mortified, attributing that decision to improper motives—that of itself, he repeated, would be a very great misfortune; and should there be any reality in these suspicions, in that fact there would be a great additional calamity. They had hitherto, and during a long course of time resisted any interference of the judges with questions of this nature. They had supposed that unless the House of Commons reserved the ultimate power in their hands, that there was very great danger that the courts of law would come to have the superior and supreme authority, and that the power of the House of Commons of deciding upon all questions of the kind would be narrowed and limited by a power, controlling the franchise of the electors. Then there was the objection which he had stated in the former part of the evening, that according to all which he had ever read on subjects of this kind, it was the natural tendency of courts of law, supposing them totally unbiassed, totally unprejudiced, to construe the statutes and acts of Parliament very strictly, and consequently, in questions of franchise, to give opinions in favour of that which narrowed and confined the elective franchise, rather than by a more enlarged interpretation to give any advantage to the general — extension he could hardly say—but the general enjoyment of the franchise. Now, supposing that there was any foundation for these notions—if they altered the law which had stood for 150 years—without much consideration—with hardly any discussion—and if they found that these evils were to arise, and wished to get back the authority with which they had parted, he would ask them whether they would be enabled to do so? They would find it entirely out of their power. It would be necessary for them, as a first step towards regaining this power, to have the consent of the House of Lords to make any change, and they might rest tolerably certain that that body would not be favourable to any change that would restore power once given up to the House of Commons. He did not wish to oppose the first clauses, by which the Court of Common Pleas was constituted an appellate court. He would rather have supported a tribunal, the Members of which were to be appointed by a responsible Minister; and he thought it was a misfortune that they had ever given power of this kind—as contained in former clauses—to judges of law courts. But admitting that the Court of Common

Pleas was to be the tribunal, and was to decide upon cases of this nature—would there be any mischief in waiting for a few years and seeing whether any actual evil was produced by this change in the law? Supposing that they found the working of this act unobjectionable, and that the fears which had been expressed upon the subject were chimerical, they could then part with the ancient power of the House; but if, on the contrary, they found these evils had really arisen, it would be in their power to make some alteration. It would be so, because they would have reserved to the committees of the House of Commons the power of finally judging in questions of the nature under consideration. It had been said to-night, that with respect to Ireland he had been content to give to the judge of assize the power of ultimate appeal; but that case stood on a quite different footing from the case in respect to England. He would not oppose the present clause, but if the right hon. Gentleman opposite should think it necessary to persist in clause G, he should take the sense of the committee upon it. The right hon. Member for Devonport had stated that, although the former clauses had been discussed, the question as to the decision of the Court of Common Pleas being final had not been discussed during the time that the House was in committee upon this bill. He would wish Government to consider what would be the case of a Lord Chief Justice of the Court of Common Pleas being liable to imputation on the account of a decision in his court. Many might look to the high character of the present Lord Chief Justice, and, relying on his impartiality, might be disposed to grant to him the power in question; but that was not the spirit in which they must make laws to last for future times. They might have a Lord Chief Justice hereafter who would take a warm part in political disputes—who might give decisions which would render him liable to imputations of being a warm and violent political partisan—and they would thus not only endanger the constitution, but throw a taint upon the administration of justice. He hoped that the Government would not insist upon the objectionable clause.

Sir *James Graham* said, that after what had passed in the former part of the evening, he was unwilling to press the subject at any length on the attention of the committee; and, after what had fallen from the noble Lord, he thought, that it would be expedient to postpone the discussion until they came to the clause which made the decision of a court of law upon a matter of law final. He agreed with the noble Lord, that the question was of the utmost importance, and he also agreed with him, that it would be most unsafe were reliance to be placed on the constant presence of such judges as the Lord Chief Justice, who now presided over the Court of Common Pleas. This measure would be indefensible, unless the House was prepared to entrust this limited power—limited to a greater extent than the noble Lord supposed—for all future time to the Court of Common Pleas, constituted according to the ordinary chances of such tribunals, and without any reference to the character of the judges who now constituted that court. It appeared to him, that the noble Lord had misunderstood the power which was to be conferred on this tribunal, and had spoken of it as if the House was about to arm the Court of Common Pleas with a power which could influence the position of parties in the State. But this he (Sir J. Graham) altogether denied. The question of whether the return was valid or not was not to be sent up to the Court of Law. The cases sent up were not to touch matters of fact; for questions of fact were to be carefully excepted from all appeal to this tribunal. All questions of evidence which had come before the revising barrister, would also be carefully excluded from this tribunal. The power of appeal from the revising barrister was to be limited to an appeal on matters of law. The case would be stated by the revising barrister himself; it would be an A.B. case, and would be transferred, as a mere question of law, to the decision of the judges. He (Sir J. Graham) was not disposed to forestall the discussion of the question, but he had a strong opinion that the decision of the courts of law ought to be final and binding. The noble Lord had stated, that if the House were to part with its jurisdiction, it could on no future occasion regain it; but he (Sir J. Graham) was not so well satisfied with the experience they had had of its exercise of its jurisdiction in matters of this kind to make him very anxious to retain it. On the whole, limited as was the proposed jurisdiction, he thought, that it might be safely transferred to the legal tribunal. The noble Lord had said, that lawyers were disposed to put a strained, harsh, and strict construction on the statutes, and in a manner adverse to liberty and popular rights. He (Sir J. Graham) did not know where the noble Lord had found that doctrine, but he believed, that the liberties of the country owed much to the bold decisions of judges in difficult times. Even at the present time popular rights were not left undefended by the judges in Westminster-hall, and he did think the doctrine was overstrained which would exclude judges from exercising these functions in cases where political considerations were involved. He (Sir J. Graham) thought that the noble Lord's apprehensions with respect to this transfer of power to this tribunal were to a great extent unfounded. He contended that all the great rights and liberties enjoyed by any member of the community, must, in one shape or another, come under the purview and jurisdiction of the Courts of Law—for instance, a question involving the law of libel could not come before one of the Courts of Westminster, without more or less exciting popular feeling. [Lord *J. Russell* — But there would be the intervention of a jury in cases of that kind.] He knew that there would be the intervention of a jury in such cases, but according to Mr. Fox's Act the judge was bound to state to the jury the law applicable to the case, according to the best of his judgment. He could not imagine why the noble Lord should entertain such a jealousy of giving to the judges the power of deciding in the way now proposed. He saw opposite the hon. Gentleman, the Member for Leith (Mr. Rutherford) who, under the late Government had held a high situation connected with the administration of the law in Scotland. That hon. Gentleman knew that according to the present law in Scotland appeals from the revising barrister in the counties of Scotland were made to a tribunal composed of three sheriffs—three lawyers, gentlemen who he (Sir J. Graham) believed were more likely to mingle in party and political matters than the judges to whom it was now proposed to give this power. But passing from Scotland to Ireland, he must say that the answer which the noble Lord had made to the observations which had fallen from him (Sir J. Graham) relative to the appeal to the judges of assize in the latter country, was altogether insufficient. The noble Lord said that he had some difficulty in giving the appeal to the Irish judges; but he (Sir J. Graham) would ask, was the appeal to the judges in Ireland strictly limited to the matters of law? No such thing. The appeal from the revising barrister in Ireland to the judge of the assize might open up every fact and every particular of the original case as it first came before the Revising Barristers' Court. But notwithstanding that the appeal in Ireland was open to matters of fact and evidence, and not confined, as it was here, to matters of law, the noble Lord felt such confidence in the Irish judges on circuit that he had no hesitation to give them that power, whilst he was unwilling to entrust a far more limited power to the judges of one of her Majesty's Courts at Westminster, sitting in the presence of the assembled bar of England. The noble Lord said that he would prefer to have the decision of the revising barrister reviewed by a separate appellate tribunal. He (Sir J. Graham) agreed in that, but the great difficulty he felt was as to the party who should nominate that appellate tribunal? He had a great objection to imposing that duty on the Speaker, for he thought it would destroy the efficiency of the Speaker's office, and be quite fatal to anything like comfort in the discharge of the duties which that right hon. Gentleman had to perform. The noble Lord said that he would prefer to have a tribunal appointed by the responsible minister. But supposing that he (Sir J. Graham) had come down to the House and proposed on his responsibility, as a minister of the Crown, to nominate a permanent tribunal—for a tribunal of this kind to be efficacious, must not be appointed from day to day, but to give it authority, it must possess a permanent character—well, then, supposing that he (Sir J. Graham) had had the presumption to come down to the House and make such a proposition on the part of her Majesty's Government, he was sure that such a proposition would have been scouted by the House. He had at first proposed that the judges in Westminster Hall should nominate an appellate tribunal. However, he had his doubts on the subject, and adopting a suggestion which came from the other side, he came to the conclusion that it would be much more safe that this power should be exercised by the judges in the way now proposed, administering this appellant jurisdiction in the presence of, and under the check of, the Bar in Westminster Hall It was true that this proposition was now before the committee, under the circumstances correctly stated by the right hon. Gentleman the Member for Devonport. It was true that they had not had an opportunity of discussing this proposition on the second reading of the bill, but he considered that to be immaterial, for if in committee the clause should not be adjusted to the satisfaction of the noble Lord, it would be quite competent for him, on the third reading of the bill, to take the sense of the House upon the question. Whatever objections might be made to this clause, he felt convinced that in its practical operation it would conduce to the purity of election, the stability of the law, and the general good of the community.

Mr. *Darby* was so desirous that clause G should stand part of the bill, that, if he had any reason to anticipate that it would be omitted, he would divide against the clause now before the committee. He did not wish that any collision should occur between the judges and the committee. It seemed the disposition of the House to consider the judges fallible, whilst they considered that House to be infallible. He feared, therefore, that if any collision of opinion should occur, the decision of the judges would not be treated with much respect even in matters of law. For these reasons he thought it most important that their decision should be final, and trusted that the clause would be maintained in the bill.

Mr. *Rutherford* thought it would be difficult to separate the consideration of the clause more immediately before the House from that of clause G referred to by the noble Lord. In his opinion the noble Lord had not at all exaggerated the importance of the questions which, under this appeal, would come to be determined by the courts of law. It was perfectly true that there was no appeal on any question of fact, and that the appeal was to be limited to abstract points of law which might arise on a case stated by the revising barrister; but he (Mr. Rutherford) thought that these questions of law might be of a most delicate and important nature, because they might turn on questions which necessarily involved the definition of the franchise. Supposing the question to be whether a party had a right to be put on the register or not, that question might involve a definition of the franchise, and the court of law would have to decide a question of law, which would involve the decision of a question of fact. It was proposed by this clause to withdraw from the House the overruling power it possessed, and to allow the decision of the Court of Common Pleas to be final and binding on the committee, even on a question that involved the definition of the franchise. He thought this to be a startling proposition, even though it were to be confined to one particular decision, or to one particular case. Supposing they got the decision of the Court of Common Pleas on a question that defined the franchise, was that decision to be conclusive in all parallel cases? He understood not, but only in this particular case. Supposing the same question to arise again, were the committee to take their own decision, although it be different from that of the Court of Law. He owned that he would feel very unwilling to surrender this privilege which the House of Commons possessed. The right hon. Gentleman appealed to him with respect to the practice in Scotland. He owned that he did not like to see the judges of the land mixed up at all in questions relating to the registry—questions so much involving violent political feelings, for he did not think that it contributed to strengthen their authority. He knew that many persons had an objection even to the Court of Appeal in Scotland, though the appeal was to the sheriffs, and not to the judges of the land. He had a strong feeling that one of the worst things they could do with respect to Scotland would be to have an appeal to the Scotch courts on matters relating to the franchise. The high character of the learned persons who occupied the Bench in that country left no doubt that they would administer the law with the strictest impartiality, but he would be unwilling to see them mixed up with the decision of questions which might create discontent and dissatisfaction. He was opposed to the surrender of the privilege which the House possessed, and had a great objection to place in the hands of the Court of Common Pleas the decision of questions which involved the definition of the franchise. For these reasons he should oppose the clause, which provided that the decision of the Court of Law should be final.

Mr. *Roebuck* wished to see, in the first place, a simply constituted tribunal. That end he did not conceive would be obtained by the proposition now before them, which was too complicated in its machinery. He had hoped that they would have some simple court of this description in which one judge could decide upon the appeals that came before him. Every one acquainted with the administration of justice knew that justice could not be done unless the judge was assisted by a bar. The appellate jurisdiction proposed to be given to the Court of Common Pleas would bear the same relation to the Revising Barrister's Court, as the Queen's Bench now did to the Court of Quarter Sessions. Now, let them take the decisions of the Court of Queen's Bench on appeals from the Quarter Sessions, with respect to the construction of some of the sections of the Poor-law Act. Ever since these appeals had been made, the Court of Queen's Bench had been directing its attention to the question of settlement, and their conflicting decisions had made the whole mass of the law a complication of difficulty and technicality. He would ask, was the present administration of the law so cheap and rapid, that they ought to thrust on the judges of the Law Courts a host of new cases? Was it proper to thrust on the judges of the Criminal and Civil Courts, who already were unable to get through their business, a mass of cases with which they ought to have no connection? They were at present overwhelmed with work, so much so that the law of the country was not administered by them. [Sir *J. Graham*: Not those of the Common Pleas.] No, it was quite true that business had been shut out from that court by the exclusive regulations adopted recently in regard to those who were admitted to practise there. But was there to be no attempt to secure a more frequent administration of justice in the country? Was it not well known that prisoners were confined far too long already? Was this a time for thrusting on the judges wholesale a mass of cases with which they had no connexion or concern? He appealed to his hon. and learned Friends the Attorney and Solicitor-General, and to all the county magistrates present, whether they were not at this moment considering if the exigencies of society did not require a different mode of administering criminal law, whether the fifteen judges had not now more than they could properly discharge? In the name, then, of humanity and justice he appealed to the House not for mere party purposes, not for the avoidance of political collisions, to impose on the administrators of justice such a great additional amount of business. This was really a most momentous consideration, and one from which it was impossible to escape. Lately there had been a large accession of business to the courts of law, in consequence of the quarter sessions having been deprived of a great portion of their jurisdiction, owing to their inefficiency. This was not beginning at the right end; it would have been better to commence by making the quarter sessions a competent court, and then permitting it to retain its old jurisdiction. As it was, however, the province of the superior courts was already superabundantly extensive; and at the assizes, it was now constantly found impossible to get through the criminal business without the assistance of some of the Queen's counsel or serjeants joined in the commission; doubtless a perfectly competent, but rather unseemly assistance for the sworn judges of the Crown. The bill was an ill-digested and badly concocted project, the effect of which, if carried out, would be to destroy much that was really admirable and valuable in our administration of justice, arising out of the good feeling of the people towards the administrators of the law. It would tend to hamper and encumber the administration of justice, by adding to what was already too large an immense additional province of business which would be far better appropriated to a new court with special jurisdiction, leaving untouched what had hitherto been considered sacred—the administration of criminal justice; and not tending to deprive the country of the great advantage arising from having that justice administered quickly, economically, and with certainty.

The *Attorney-General* did not think it necessary to follow the rather discursive observations of the hon. and learned Member respecting the impediments which it was alleged the bill would cause to the administration of justice, for the cases it might give rise to would occupy no larger space of time than the courts would afford.

Reverting to the arguments of the noble Lord (Lord J. Russell) and the hon. and learned Member for Leith, it struck him that the main question for consideration was how they should have a tribunal, whose decisions could be relied and acted on, and which should not decide sometimes in one way and sometimes in another. He would be the last to support any proposition which, in his opinion, should have the effect of sacrificing or compromising the just rights and privileges of the House of Commons. But if, under the bill before them, any cases should arise that might raise a question upon their privileges, he doubted much, whether for the next one hundred and fifty years—if the Constitution lasted so long—that House would be divested of power to vindicate them. But if a decision were required on a question of law, to what tribunal would they refer except to a Law Court? Was it reasonable to suppose that the responsibility of deciding questions of law upon the construction of statutes could be properly referred to committees of that House, rather than to the Judges? Before the Reform Bill, was not the Court of King's Bench in the habit of entertaining the very questions embraced by the clauses? On this point, he would refer to his hon. and learned Friend near him. The court could not determine in what bodies of persons the right of election lay. That question was to be decided by the committees of the House. But after the latter had determined upon the constitution of the corporation—whether the freemen, the members of the corporation, or what other parties were entitled to vote—when the committee had so decided, the court of law stepped in and decided what individuals were members of the bodies so entitled. And if, by a *mandamus* of the court, a Corporation was compelled to admit the name of A B to the privileges, he very much doubted whether the election committee would not be obliged to admit the vote. Cases of this kind, which continually came before the court, might possibly outweigh in importance those which it would decide upon under the present bill. The noble Lord, the Member for London, said, do not refer these cases to a court of law, or, if you do, do not make the court's decision finally binding. Now, he agreed with the hon. Member who had expressed an opinion that if clause G did not stand part of the bill, they had better not have clauses A, B, C, D, E, or F; for if the decision of the court was not binding, reference should not be made to it. What could be more inconvenient than to refer to a law court the decision on a question of law, and then let its decision be overruled? Take a case where the question to be decided was on a point of law—whether, for instance, a life interest constituted a freehold estate or not? If, as the noble Lord suggested, the court's decision on points like these were not final, would that be the way to obtain uniformity of practice and opinion? If, after the determination arrived at by the court, the matter came before the election committee, and the latter came to a contrary decision, some subsequent committee, on a question of the same kind, might say we feel ourselves safer in abiding by the opinion of the Court of Common Pleas, than in following that of a former committee. Thus one committee would be deciding differently from another, and would that be the way to gain uniformity, or receive respect for the course of justice? For the dignity and character both of the courts and of the House, the proper course was to delegate to lawyers the decision of questions purely relating to law. The noble Lord, in alluding to the legal profession, appeared to think, that the members of that profession were not disposed to favour the full exercise of the principles of liberty, and the enlightened views that actuated the statesman. But he (the Attorney-General) must take leave to say, on behalf of the members of that profession, that the battles of the Constitution had been fought as frequently and undauntedly in the courts of law as in that House. At a period when the House was too impotent to effect such objects, the country was largely indebted to the courts of law. The extinction of slavery, under the name of villeinage, was accomplished by a series of legal decisions, under the direction of able and learned men, which led to the establishment of the happy Constitution that could not be endangered by the operation of these clauses.

Lord *John Russell* said, the hon. and learned Gentleman had in some degree misapprehended his meaning. The hon. and learned Gentleman argued as if he (Lord J. Russell) wished to see the election committees of that House overruling and altering the decisions of the court. Now what he desired was, that the questions should be referred to a separate tribunal. But he said, if the House wished to try the experiment of referring these cases to the Court of Common Pleas, do not make its decision final. If, however, the hon. and learned Gentleman were determined to persist in this course, and to make this immense change in the constitution, the best course for him (Lord J. Russell) would be to divide against the first clause, and afterwards take the opinion of the committee on the clause providing that the decision of the court should be final and conclusive.

Mr. *Hardy* contended, that the operation of the 68th clause removed any reason for apprehending inconvenience through vexatious appeals to the court. He did not wish that jurisdiction should be taken from the committees upon matters fairly within their cognisance, but questions of law ought to be referred to lawyers.

Mr. *C. Buller* had the unhappiness to differ from what he supposed was the popular side of the question—the opposition to the jurisdiction of election committees. He believed, that by the alteration effected in the last measure, so much had been done, and that by some easy alterations in that amendment so much could be done, towards rendering those committees good tribunals ["Oh, oh,"] "always let a man finish his sentence," that he believed, bad as they might be thought, they formed—or would form—the best tribunals for the objects in view. He would warn the House not to abandon the decision of questions relating to the franchise, and leave it in the hands of the courts of law. If anything could operate as a warning on this point, it would be the decisions of the courts of law on corporation questions before the reform of the corporations, and the effect of those decisions on the character of the courts. Every one who had been accustomed to attend the courts of justice during the trial of such cases, must have heard the remarks that used to be made; counsel, witnesses, and every one concerned on either side, were accustomed to speculate freely on the known political inclinations of the judge who tried the case. But if the House determined to bring in the Court of Common Pleas to decide parts of these questions, why not bring it in altogether? Why leave the decision (as practically it was left by the bill) in the Court of Common Pleas and the committees of the House of Commons jointly? Doubtless, the decisions of the Court of Common Pleas would be respected by the country, but then their decisions would only have the effect of disparaging those of the committees of the House of Commons. The right hon. Gentleman said, the decisions of the Court of Common Pleas should be final on points of law. How was it meant that their decisions should be respected by committees? How were they to be enforced? By clause 94 the whole of their old power was left to the committees, and by that clause, therefore, power would be left in their hands of upsetting, indirectly at least, the decisions of the judges, and frustrating the intentions of the House in giving this power to the Court of Common Pleas. Committees were accustomed to decide in a rough manner, on what hon. Members called principles of common sense. It should be remembered they had no pleadings before them to bring the questions to determinate and precise issues. Hon. Members said on such occasions—"Serjeant Thingamy has cited a number of cases on one side, and Mr. Austen has cited just as many on the other, but we care nothing for cases; we are accustomed not to mind what the lawyers say; we shall decide according to principles of common sense;" and so they came down and gave a decision, resting partly, perhaps, on facts, and partly on law, but not saying which, and in this rough way a committee might assuredly upset any decision of the Court of Common Pleas. By this clause, therefore, a power was put in the hands of the committees which was of great importance, for they would be sure to exercise it. He could not but observe marks of haste and want of deliberation in the way in which this part of the bill had been framed; but, independently of that, he thought it would be better not to make any alteration in the powers of the House; it would be far better to amend their committee.

The *Solicitor-General* must say, that the noble Lord put a construction on this clause which it would not fairly bear. What was it intended to effect? There had been an outcry—he thought undeservedly—raised against committees since the passing of the late act, principally because they had had difficult questions to decide. What then was to be done? The revising barristers decided questions of franchise in the first instance, but their decisions were found to be sometimes conflicting, and an appellate tribunal was found to be wanting. The noble Lord said that if they allowed any tribunal but the House of Commons to decide these questions, they would be infringing the constitution by introducing a new principle into questions of this nature. But, surely this was a remarkable objection to proceed from the noble Lord. The noble Lord, if he had not himself introduced, had sanctioned the introduction of bills into that House which had passed into laws establishing with respect to Ireland the principle that the registration should be final, as settled by lawyers, and not by committees of the House of Commons. The registering officers in Ireland were appointed by the Lord-lieutenant; and there was an appeal to the judges, whose decision was binding. The noble Lord thus took from the House of Commons the right of judging on every question of the elective franchise in Ireland. But the noble Lord feared that the decisions of the judges would always be adverse to the House. He presumed that the decision of the three barristers, whom it was proposed, at one time, to constitute a court of appeal, with the approbation, as he understood, of the noble Lord, were as likely to be adverse to the House of Commons as those of the judges. His hon. and learned Friend the Member for Liskeard (Mr. C. Buller) had spoken of the possibility of a difference between the decisions of committees and the Court of Common Pleas, but he thought that the House would lose its character if the courts of law and the committees came to different decisions. His hon. and learned Friend, however, did not seem quite fully to apprehend that the bill made the decisions of the court of law binding on committees. The Court of Common Pleas was to decide the question of law in each case which should be sent up, with the facts, for its decision. Then that decision was to be sent back to the returning officer, and the vote placed on the registry. That decision thenceforward would be binding in that case, and on that vote. If the vote, therefore came before a committee for investigation, they would be bound not to meddle with it. It was not possible that the decision of the Court of Common Pleas on that vote could be interfered with. Their decision was to be final. His hon. and learned Friend the Member for Liskeard had asked how were they to enforce it on the committee? He might as well have asked how any other law was to be enforced? There was no power that he knew of vested in committees of the House of Commons, any more than in the judges of the courts of law in Westminster-hall, to set aside an Act of Parliament. The committees must be bound by the statute law as interpreted by the judges. If, then, they allowed an appeal to the Court of Common Pleas at all, then in regard to a case sent up for the decision of that court by the revising barrister, that decision when once given must be final; that was to say, in that particular case. Now, what was the objection to an appeal to the Court of Common Pleas? It was much to be regretted, that the noble Lord the Member for London (Lord J. Russell), his hon. and learned Friend the Member for Liskeard (Mr. C. Buller), and his hon. and learned Friend the Member for Bath (Mr. Roebuck), had all been absent when this matter was discussed on a former evening, because the proposition for this very mode of appeal came from the Opposition side of the House; it was supported by the noble Viscount the Member for Sunderland (Viscount Howick), it was acquiesced in by the Ministerial side of the House; and, in short, it appeared to be the unanimous feeling of every Member then in the House; and it, therefore, certainly was much to be regretted, that when his right hon. Friend had prepared these clauses in obedience to the unanimous opinion of the House, as he conceived, these objections should have been brought forward that evening for the first time, on the ground of the alleged unconstitutional nature of the proceeding. But was this a true character of this part of the measure? The bill kept in the House full power over every matter connected with the control of elections, and full power of deciding as to all the facts; it was as to points of law alone that the decision was given to the Court of Common Pleas. The general power of the House, he must insist, remained untouched; it was simply the duty of construing of the Act of Parliament that they were asked to give to the Court of Common Pleas. The noble Lord had said that he thought that there was a tendency in courts of law to lean against the extension of the franchise. He was not aware that such was the case. Then his hon. and learned Friend the Member for Liskeard had spoken of the objections that were made to the decisions of the courts of law on corporation questions prior to the late act with reference to the supposed political sentiments of the judges. Why, at this moment, all manner of questions touching the Reform Act might come, and did come, to be decided by the courts of law; but he would venture to say that no judge of those courts ever knew, when he gave his decision, which side in politics his decision would be for the advantage of. Again, when his hon. and learned Friend the Member for Bath (Mr. Roebuck) deprecated overloading the judges, he (the Solicitor-general) would venture to say, that there would not be six cases of appeal in a year. This bill, it should be remembered, was rendered necessary in order to clear up certain doubts which had arisen on the construction of the Reform Act, but from his own knowledge, and from what he could learn from friends of his among the revising barristers, he should say, that there were few questions, indeed, scarcely any questions of great importance, that remained to be settled. The real questions of law on which appeals would come into the Court of Common Pleas would be settled, he was persuaded, in a very short time. With regard to the questions respecting corporations before the alteration of the law he was not aware of such remarks as his hon. and learned Friend the Member for Liskeard alluded to having been made. He never had heard any such remarks, and he thought he might appeal to learned friends of his who had been longer in Westminster-hall than himself to say whether any one had ever imputed to the judges political views at all in the decisions they gave on those questions. At any rate, he was confident he might say that the decisions actually given worked quite as much for one party as for the other. On the whole, then, he was not one of those who wished to part with the general jurisdiction of the House in matters of this nature; he saw great difficulties in that course, but, he saw no difficulties in constituting this appellate jurisdiction: it would be, to a great extent, less expensive than the present mode of proceeding, and it would much diminish the frequency of the agitation of questions relating to the franchise; for these reasons he gave the proposition his cordial support.

Sir *G. Grey* would not shrink from avowing his opinion that this was the best appellate tribunal they could have. He thought it was necessary, but the necessity for it had arisen from the original fault of having too great a number of judges in the revising barristers, the diversity of whose decisions had at length rendered it indispensible to have some system of general control in an appellate jurisdiction. Those hon. Members who had coincided with him on a former evening had considered that if the appeal were to be made to lawyers, it would be far better to look for lawyers already holding seats on the bench than to take three barristers as was proposed, both because there were objections to making judges of practising barristers, and because the judges of Westminster-hall would have the assistance of an established bar to aid them in their decisions.

Sir *R. Peel* said—I agree with the observations made by the hon. Member for Liskeard, that one of the great causes of complaint against election committees of this House, is, that the nature of the subject, affecting as it does party interests, has a tendency to excite a suspicion of partisanship; and therefore, I cannot help coming to the conclusion that when this House decides upon tranferring its authority on the decision of points of law to other hands a more favourable opinion will soon be entertained of its proceedings in such cases. I cannot, however, agree with the hon. and learned Member for Bath that this authority should be transferred to one judge, with enormous and unwieldly power; because, before a month elapsed, I am perfectly satisfied that there would be many more complaints made against his decisions than had ever been made even against election committees of this House. How would such a judge be able to perform the duties imposed on him? For instance, some election committees lasted as long as five or six weeks—what would become of the others that might be pending at the time? He could not begin to try one till he had finished with another. After the bill has passed, the administration of the law of elections will be greatly changed for the better. My opinion is that if the committees of this House believe that the Court of Common Pleas gives a judgment founded upon pure motives they will have perfect confidence in that judgment, given, as it will be, upon the law clearly stated. I feel assured that, under such circumstances, the committee would not think of reversing the decision of the Court. I am, I confess, very unwilling to give to a court of law any power over our privileges;

but, on the whole, I think it will be of great advantage, in saving the expense of election committees, to give to the Court of Common Pleas the power to decide the point of law alone, according to the Act of Parliament.

Lord *J. Russell* said, that, from what he had observed of the working of the bill of the right hon. Gentleman, it was a great improvement.

The committee divided on the question, that the clause stand part of the bill. Ayes 154; Noes 51: Majority 103.

List of the AYES.

Ackers, J.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Aglionby, H. A.
Aldam, W.
Allix, J. P.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Astell, W.
Bailey, J.
Balfour, J. M.
Baskerville, T. B. M.
Bentinck, Lord G.
Bernal, R.
Bernard, Visct.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buller, Sir J. Y.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Clerk, Sir G.
Colebrooke, Sir T. E.
Colvile, C. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Crawford, W. S.
Cripps, W.
Darby, G.
Davies, D. A: S.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Elphinstone, H.
Esmonde, Sir T.
Ewart, W.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferguson, Col.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Jir W. W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goulborn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Grosvenor, Lord R.
Hall, Sir B.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hughes, W. B.
Hume, J.
Hussey, T.
Ingestrie, Visct.
Irton, S.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
McGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Mitchell, T. A.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newdegate, C. N.
Peel, rt. hn. Sir R.
Peel, J.
Philips, M.
Plumptre, J. P.
Pollock, Sir F.
Ponsonby, hon. C. F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Repton, G. W. J,
Rose, rt. hon. Sir G.
Ross, D. R.
Round, J.
Rous, hon. Capt.
Sanderson, R.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Shaw, rt. hn. F.
Sheppard, T.
Shirley, E. P.
Smith, A.
Smith, rt. hon. R. V.
Smith, rt. hon. T. B. C.
Spry, Sir S. T.
Stanley, Lord
Stanley, E.
Stewart, J.
Sutton, hn. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Trelawny, J. S.
Trollope, Sir J.
Turner, E.
Turnor, C.
Vane, Lord H.
Verner, Col.
Williams, W.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H. B.

List of the NOES.

Baring, rt. hn. F. T.
Berkeley, hon. G. F.
Bernal, Capt.
Borthwick, P.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Busfeild, W.
Cavendish, hon. G. H.
Clive, E. B.
Craig, W. G.
Dalrymple, Capt.
Duncan, Visct.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Forster, M.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hindley, C.
Hollond, R.
Horsman, E.
Hutt, W.
Labouchere, rt. hn. H.
Lambton, H.
Lawson, A.
Layard, Capt.
Martin, J.
Mitcalfe, H.
Morris, D.
Norreys, Sir D. J.
Ogle, S. C. H.
Paget, Col.
Palmerston, Visct.
Philips, G. R.
Plumridge, Capt.
Rice, E. R.
Roebuck, J. A.
Russell, Lord J.
Scholefield, J.
Sibthorp, Col.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Vivian, hn. Capt.
Wawn, J. T.
Wood, G. W.
Worsley, Lord

TELLERS.

Tufnell, H.
Buller, C.

Clause agreed to.

On clause 73, right of voting in boroughs by occupiers of houses of the annual value of 10*l.*

Mr. *Horsman* said, that the word "building" had a very wide signification, and he thought that the words "other buildings" in this clause ought to be more clearly defined. He therefore, moved the insertion of this proviso:—

"And whereas doubts have arisen as to the meaning and construction of the words 'other building,' Be it therefore declared and enacted, that no person who shall occupy within such city or borough, any building, not being a house, warehouse, counting-house, or shop, jointly with any land, shall be entitled to vote in the election of a Member or Members to serve in Parliament for such city or borough, in respect of the occupation of such premises, unless such building, when taken separately from such land, shall be of the clear yearly value of not less than 5*l.*"

He made this proposition merely with a view of bringing the subject under the consideration of the committee; if the right hon. Baronet would give the matter his attention he would not press the amendment.

Sir *J. Graham* said, he did not think that any doubt could be entertained on this point after the decisions of committees on the subject. The great essentials of qualification were residence, occupation, payment of the rates, and the value of the premises. As the object was to have a substantial constituency, the relative value of the building to the land was of little importance.

Mr. *Horsman* said, there were several contrary decisions by revising barristers on this point.

Sir *J. Graham* said, the clauses providing an appeal to the Court of Common Pleas afforded the best answer to the hon. Gentleman's statement relative to conconflicting decisions, for that appeal would establish an uniformity of decision. He felt bound to oppose the hon. Member's motion.

The committee divided on the question, that the words be inserted.—Ayes 34; Noes 128: Majority 94.

List of the Ayes.

Aglionby, H. A.
Bernal, R.
Bernal, Capt.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Busfeild, W.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cowper, hon. W. F.
Craig, W. G.
Elphinstone, H.
Ewart, W.
Ferguson, Col.
Fitzroy, Lord C.
Forster, M.
Gibson, T. M.
Grey, rt. hn. Sir G.
Hill, Lord M.
Hollond, R.
Layard, Capt.
Martin, J.
Ogle, S. C. H.
Palmerton, Visct.
Plumridge, Capt.
Ponsonby, hn. C.F.A.
Ross, D. R.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Wawn, J. T.
Worsley, Lord

TELLERS.
Horsman, E.
Tufnell, H.

List of the Noes.

Ackers, J.
A'Court, Capt.
Acton, Col.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Bailey, J.
Baskerville, T. B. M.
Bentinck, Lord G.
Bernard, Visct.
Blackstone, W. S.
Boldero, H. G.
Borthwicke, P.
Botfield, B.
Broadley, H.
Brocklehurst, J.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Charteris, hon. F.
Chelsea, Visct.
Christopher, R. A.
Clerk, Sir G.
Clive, Visct.
Colvile, C. R.
Copeland, Ald.
Corry, rt. hn. H.
Crawford, W. S.
Cripps, W.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Duncombe, hon. A.
Eastnor, Visct.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forester, hon. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goulburn, rt. hon H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimsditch, T.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hindley, C.
Hodgson, R.
Hope, A.
Hope, G. W.
Hughes, W. B.
Hume, J.
Hussey, T.
Ingestre, Visct.
Irton, S.
Jermyn, Earl
Jocelyn, Visct.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, F. W.
Lambton, H.
Lawson, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lyall, G.
Mackenzie, W. F.
M'Geachy, F. A.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Morris, D.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newdegate, C. N.
Paget, Lord A.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. B.
Pollock, Sir F.
Pringle, A.

Pusey, P.
Round, J.
Rous, hon. Capt.
Ryder, hon. G. D.
Scarlett, hon. R. C.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Sutton, hon. H. M.
Thompson, Ald.
Trelawny, J. S.
Trollope, Sir J.
Wakley, T.
Wellesley, Lord C.
Wood, Colonel
Wood, Colonel T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

Clause agreed to.

On clause 77,

Mr. *Elphinstone* said, that this was the part of the bill in which he could properly move to add the clause of which he had given notice as a proviso. The hon. and learned Member then moved the addition to the clause—

> "Provided always, That no scot and lot voter (whose name is on the register of voters for the current year) shall be prevented from voting by reason of his not having paid any rates demanded of him previous to the day of election."

Sir *J. Graham* said, the question which the amendment raised had been fully discussed when the bill was last in committee, and he had then stated his reasons for dissenting from the present proposition. It had never been intended by the Reform Act to place the scot and lot voters in a better position than they enjoyed before that measure, and yet the proposition now made by the hon. and learned Member went directly to attain that object. He opposed the proposition of the hon. Member because, if agreed to, it would give the scot and lot voter a great advantage over every other class of voters who appeared upon the register.

Mr. *Hume* supported the proviso on the ground that the law, as it at present stood, encouraged bribery, as the candidate might pay the rates of the scot and lot voters even on the morning of the poll.

The committee divided on the question, that the proviso be added.—Ayes 32; Noes 81: Majority 49.

List of the AYES.

Aglionby, H. A.
Arkwright, G.
Blackstone, W. S.
Borthwick, P.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Crawford, W. S.
Cripps, W.
Dalrymple, Capt.
Ewart, W.
Fitzroy, Lord C.
Forster, M.
Gibson, T. M.
Gill, T.
Hill, Lord M.
Martin, J.
Mitchell, T. A.
Morris, D.
Ogle, S. C. H.
Plumridge, Capt.
Ross, D. R.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Thorneley, T.
Towneley, J.
Trelawny, J. S.
Tufnel, H.
Wakley, T.
Wawn, J. T.
Worsley Lord

TELLERS.

Hume, J.
Elphinstone, H.

List of the NOES.

Ackers, J.
Acland, T. D.
Antrobus, E.
Bailey, J.
Baskerville, T. B. M.
Bentinck, Lord G.
Boldero, H. G.
Broadley, H.
Bruce, Lord E.
Bruce, C. L. C.
Clerk, Sir G.
Clive, Visct.
Colvile, C. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Duncombe, hon. A.
Eastnor, Visct.
Eliot, Lord
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, Capt.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimsditch, T.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, G. W.
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Lawson, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
McGeachy, F. A.
Mainwaring, T.
Marsham, Visct.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mundy, E. M.
Neville, R.
Newdegate, C. N.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Pringle, A.
Rous, hon. Capt.
Shaw, rt. hn. F.
Sheppard, T.
Sibthorpe, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Sutton, hon. H. M.
Tennent, J. E.
Trollope, Sir J.
Wellesley, Lord C.
Wood, Col.
Young, J.

TELLERS

Fremantle, Sir T.
Baring, H.

Clause agreed to.

On clause 96,

Mr. *Elphinstone* suggested that the word "churchwardens" should be used as well as "overseers," as doubts had arisen about the meaning of the latter word.

Captain *Fitzroy* stated, that in the borough which he and his hon. Friend represented, there had been two directly conflicting decisions in two successive years by the revising barristers. In the first year the list of persons claiming to be placed on the register was signed by the two churchwardens and two overseers; and when it was presented to the revising barrister, he struck out the names of the churchwardens, telling the parties not to have it signed in that way again. On the next year that direction was attended to, and the absence of the churchwardens' signatures was considered by the revising barrister as a serious objection.

Sir *J. Graham* said, in point of law, he understood there was no doubt that churchwardens were overseers. However, the matter should be considered.

Clause agreed to.

Remaining clauses and schedules, with verbal amendments were agreed to.

House resumed, report to be received.

House adjourned at half past one o'clock.

HOUSE OF LORDS,

Tuesday, April 4, 1843.

Minutes.] Bills. *Public.*—2ª· Slave-trade Abolition (Bolivia); Slave-trade Abolition (Uruguay); Slave-trade Suppression (Texas).

3ª· and passed:—Sudbury Disfranchisement; Witnesses Indemnity.

Private.—1ª· Ipswich Docks.

2ª· Grafton Inclosure; Birkenhead Improvement; Imperial Continental Gas.

3ª· and passed:—Newcastle and Darlington Railway; Bercot and Oxford Navigation; Hull and Selby Railway.

Petitions Presented. By Lord Redesdale, from Whitechurch, Meline, and Eglwyswrw, against any further Grant to Maynooth College.—By Lord Cottenham, from Nottingham, against the Bankruptcy Act.—By the Marquess of Londonderry, and Lord Brougham, from Dunfermline, Wellwood, Stirling, and Bannockburn, against Altering the Mines and Collieries Act.

HOUSE OF COMMONS,

Tuesday, April 4, 1843.

Minutes.] New Writ. For Suffolk (Eastern Division), in the room of Sir Charles Broke Vere, deceased.

Bills. *Public.*—1°· Testimony in the Colonies; Sudbury Witnesses Indemnity.

2°· Sudbury Witnesses Indemnity.

Private.—1°· Banbridge Road; St. James's (Westminster) Improvement.

2°· Sutherland Roads; Saltcoats Harbour.

Reported.—London and Brighton Railway; Northampton and Peterborough Railway; Hungerford and Lambeth Suspension Foot Bridge; Northern and Eastern Railway.

Petitions Presented. By Mr. Becket, from Leeds, and London, against the Opium Trade.—By the Earl of March, from Yapton, Clapham, Patching, and Angmering, against the Malt Tax.—By Sir R. H. Inglis, and Lord Clive, from Derby, Cricklade, Salisbury, Grantham, Donington, Ellesmere, Salop, and Whitchurch, against the Union of the Sees of St. Asaph and Bangor.—By Mr. J. Neeld, from Cricklade, for Church Extension.—By Messrs. Labouchere, and Hume, from Samuel Baker, and Montrose, for inquiry into the Merchant Seamen's Fund.—By Lord Worsley, from Holbeach, for the Repeal of the Income-tax.—By Messrs. Labouchere, and V. Smith, from Torquay, Taunton, Glasgow, and Wellingborough, against portions of the American Treaty.—By Messrs. Busfeild, P. Scrope, Strutt, Brotherton, Ricardo, Labouchere, Stansfield, Hindley, Oldham, S. Wortley, Hume, Hawes, T. Duncombe, and M. Philips, and Lords C. Fitzroy, and Duncan, from a very great number of places, against the Factories Bill.—By Sir R. Inglis, from Macclesfield, by Mr. Whitmore, and Lord Jermyn, from Bury St. Edmunds, against the Ecclesiastical Courts Bill; and by Mr. Walker, from Bury, and Mr. Grimsditch, from Huddersfield, Sir G. Grey, from a Law Society, and General Lygon, from Pershore, to the same effect.—By Mr. Colville, from Brailsford, Eglwyswrw, Meline, and Whitechurch, against any further Grant to Maynooth College.—By Mr. T. Duncombe, and Dr. Bowring, from a number of places, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Lord R. Grosvenor, and Mr. Hume, from Edmonstone, and Thankerton Colliery, against the Mines and Collieries Act.—By Mr. S. Crawford, from Dublin, Cambridge, and Kendal, for the five points of the Charter.—By Mr. Hume, from Stourbridge, Leeds, and Montrose, praying for relief in great Distress.—By Lord Ashleigh, from Leeds, and several Missionary Societies, against the Opium Trade.—From Weymouth, Melcombe Regis, and Winchester, against the Turnpike Roads Bill.—From From Templeshannon, and Enniscorthy, for settling the Hours of Labour for Bakers.—From Cricklade, for Altering the Parochial Assessments Act.—From Hastings, and Llandovery, against the Registration of Births Act.—From East Budleigh, for Altering the Poor-law Amendment Act.—From Ilfracombe, for Abolishing Compulsory Apprenticeship.

Suppression of the Opium Trade.] Lord *Ashley* [*] said, that he had three petitions to present on the subject of the opium trade with China. The first was from the committee of the Wesleyan Missionary Society, praying that the House would adopt effectual measures for the abolition of the opium trade between the British possessions in India and China. The two other petitions were of a similar nature, and were from the committee of the Baptist Missionary Society, and the directors of the London Missionary Society. The petitions having been laid on the Table, Lord Ashley spoke as follows: Sir, the House will, perhaps, accept as an apology from me for venturing to obtrude on them the consideration of this subject, that, although I have long felt and deplored the iniquities of the system which I shall now endeavour to exhibit, I should not have presumed to introduce it to their notice, had I not been pressed in such a manner as to make me prefer the charge of arrogance to that of indifference. I have no ends or purposes to serve; I have no connection, political or commercial, with the matter before us; nor are my constituents concerned in the cause beyond the interest they all must entertain as common subjects of this great empire. But what is the position in which we now find ourselves? We are arrived at the conclusion of a sad war, of the origin of which I shall now say nothing; we are arrived at the conclusion of this war, and are most desirous of commencing the relations of peace, and of entering on an honourable and lucrative commerce. It is necessary to do all that lies in our power to avoid a recurrence of hostilities; and yet this is our condition: the causes of the war are not removed, on the contrary they are more ripe than ever; every exasperating motive is at work; audacity on the one side, and resistance on the other seem mightily increased; what has occurred once, may occur again; and will occur again, unless we hasten, while there is yet time, to be not only prudent, but generous and just. Sir, this cause is too important for mere rhetorical declamation, and too strong for argument only; it consists of simple, hard, and indisputable facts; if these can be disproved, the whole case falls at once to the ground; if otherwise, there is no alternative but to affirm the resolution which I shall have the honour to propose. Now, Sir, I have but two grounds of apprehension: the one, that I may be accused of presumption in undertaking to handle so weighty a matter; the other, that I may appear as acting in a hostile feeling towards the Court of Directors of the East India Company. Of such a feeling, I can truly say, that I am utterly unconscious: I entertain the strongest esteem privately for the character of several of that body, and publicly for many parts of their administration; I am convinced that they have conferred very great benefits on the empire they are appointed to govern; and, if there be any guilt in the system which I shall develope, the guilt is not theirs, at least theirs exclusively: it is shared by the Legislature and the whole nation; it is shared by the Members of this House, which, in the year 1832, sanctioned by a law, the revenue derived from the opium trade, commending the production of the drug, and actually approving its destination. Now, Sir, I will first assert, and then I will endeavour to prove that, so long as this traffic shall continue on its present footing, all our interests, commercial and political, must be left in perpetual hazard of interruption; and that there can, under such a state of things, be no well-grounded hope of pacific and honourable relations with the celestial empire. Now what has occurred once, in all probability may occur again. Everything that has been said by experienced and observant men previously to the late war will hold equally good at the present moment. All the warnings which were given before the war took place, are warnings at the present time; and every syllable which I can quote of that testimony, is as valuable as though it were delivered at this very hour. I will now proceed to refer to the language of those practical men who pointed out in earlier days the fearful consequences of our nefarious practice; and which no one can gainsay as applied to our actual position. The first authority I shall refer to is a gentleman well known to many in this House, who had long experience with the subject, having resided for seventeen years at Canton, in the service of the East India Company. I mean Mr. Majoribanks, who said, in 1830,—

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[*] From a corrected report.

> "One of the greatest changes that has taken place, and which, in my own opinion, will, sooner or later, affect the security of our trade, is the enormous extent of the smuggling trade now carried on in China; I do not imagine they possess the means of putting it down, at least by any marine force which they have."

Again, Captain Alsager, who had made nine voyages in the company's service to China, said an increase in the smuggling trade—

> "Would lead to riot and disturbance, which would put a stop to the trade altogether."

This was equally seen by intelligent foreigners residing on the spot. In confirmation of this I will refer to a work by an American gentleman of the name of King, who had long been a merchant residing at Canton. The work is entitled the "Opium Crisis," a letter addressed to the chief superintendent of the British trade with China, and written in 1839. He says,—

> "I have been present at several of the collisions, which have taken place in our day, between the residents and Chinese; and have remarked, that the sympathies of this people have always been ranged on the side of their rulers, and against the foreigners. I have heard of late some outbursts of the native sense of injustice, at the impunity of the foreigner, under regulations which punish the Chinese opium-dealer with cruel severity. I was an eye-witness of the riot of December 12th, when the populace turned upon us, at an idle

blow, and but for the interposition of the city-guard, would have forced and rifled the factories. The allusion of the commissioner to 'popular indignation,' is to me full of meaning; yet I am concerned, not so much because he made it, as because I see the introduction of opium has lost us the affections of the good, has made us panders to the appetites of the bad; and we may well fear lest we one day suffer by the outbreaking of passions, to whose excitement we ourselves have ministered."

Now let the House compare this with the accounts from Canton lately received. He goes on to say, and this is a most lamentable fact,—

"For nearly forty years, the British merchants, led on by the East India Company, have been driving a trade, in violation of the highest laws and the best interests of the Chinese empire. This course has been pushed so far, as to derange its currency, to corrupt its officers, and ruin multitudes of its people. The traffic has become associated, in the politics of the country, with embarrassments and evil omens; in its penal code, with the axe and the dungeon; in the breasts of men in private life, with the wreck of property, virtue, honour, and happiness. All ranks, from the emperor on the throne, to the people of the humblest hamlets, have felt its sting. To the fact of its descent to the lowest classes of society, we are frequent witnesses; and the Court gazettes are evidence that it has marked out victims for disgrace and ruin even among the Imperial kindred."

This statement is true, and it is five-fold stronger at the present time.—Now let me add the testimony of a gentleman formerly in the East India Company's service in China, and which I the rather quote because that Gentlemen's opinions are opposed to my own. This is from Mr. Hamilton Lindsay, who gave the following opinion on the subject, in a pamphlet which he wrote, entitled, "Is the war with China a just one?" He says,

"As it is, nothing can be more injurious to the British character than the mode in which the opium-trade is at present conducted. It is now real smuggling, accompanied by all its worst features of violence, and must frequently be attended with bloodshed and sacrifice of life."

But I now wish to draw the attention of the House to the language of a person long on the spot, to the warnings by official authority; there were few men more competent to give an opinion on the subject; his predictions have been perfectly verified, and he spoke of things so completely similar to the present state, that no one can hesitate to acknowledge the resemblance. Captain Elliot, the superintendent of the trade at Canton in 1837, wrote to Lord Palmerston, expressing himself strongly against the traffic in opium. He said in the despatch, dated November, 1837,—

"The trade is proceeding tranquilly for the present; but the vast opium deliveries at Whampoa, under extremely hazardous circumstances, may certainly, at any moment, produce some grave dilemma."

Again, in February, 1838, he said—

"In my judgment, the interruption of the trade is less likely to ensue from the commands of the court, than from some grave disaster arising out of collision between the Government craft and our own armed boats on the river."

And in April of the same year he observes that—

"The deliveries of opium have frequently been accompanied by conflict of fire-arms between those vessels and the Government preventive craft."

In an official notification to her Majesty's subjects, dated December, 1838, Captain Elliot says, that—

"After the most deliberate reconsideration of this course of traffic (which he heartily hopes has ceased for ever), the chief superintendent will once more declare his own opinion, that in its general effects it was intensely mischievous to every branch of the trade; that it was rapidly staining the British character with deep disgrace; and, finally, that it exposed the vast public and private interests involved in the peaceful maintenance of our regular commercial intercourse with this empire, to imminent jeopardy."

Sir, it is necessary that I should apologize to the House for referring to such an abundance of documents; I know the weariness that unavoidably accompanies such details; I have nevertheless thought it better to recite the facts and the statements of those who are practically acquainted with the subject, and who have seen the operation of the system, than to indulge in mere appeals and general observations. In another letter to Lord Palmerston, dated January, 1839, Captain Elliot says,—

"It had been clear to me, my Lord, from the origin of this peculiar branch of the opium traffic, that it must grow to be more and more mischievous to every branch of the trade, and certainly to none more than to that of opium itself. As the danger and the shame of its pursuit increased, it was obvious that it would fall by rapid degrees into the hands of more and more desperate men; that it would stain the foreign character with constantly aggravating disgrace, in the sight of the whole of the better portion of this people; and lastly, that it would connect itself more and more intimately with our lawful commercial intercourse, to the great peril of vast public and private interests. Till the other day, my Lord, I believe, there was no part of the world where the foreigner felt his life and property more secure than here in Canton; but the grave events of the 12th ultimo have left behind a different impression. And all these desperate hazards have been incurred, my Lord, for the scrambling and, comparatively considered, insignificant gains of a few reckless individuals, unquestionably founding their conduct upon the belief that they were exempt from the operation of all law, British or Chinese."

Again he said—

"In the meantime, however, there has been no relaxation of the vigour of the Government, directed not only against the introduction of the opium, but in a far more remarkable manner against the consumers. A corresponding degree of desperate adventure upon the part of the smugglers is only a necessary consequence; and in this situation of things, serious accidents and sudden and indefinite interruptions to the regular trade, must always be probable events."

After the lapse of some months, Captain Elliot again writing to Lord Palmerston, speaks of it as—

"A traffic, which by the present manner of its pursuit must every day become more dangerous to the peace of this ancient empire, and more discreditable to the character of the Christian nations under whose flags it is carried on."

He adds—

"But, my Lord, the difficulties in China are not confined to this matter of opium. The true and far more important question to be solved is, whether there shall be honourable and extending trade with this empire: or whether the coasts shall be delivered over to a state of things which will pass rapidly from the worst character of forced trade to plain buccaneering."

Attend to these words!—In the last despatch which I shall quote of that officer, dated November, 1839, it is impossible to speak in stronger language on the subject than he does. The letter is written on board the Volage, and he says:—

"If my private feelings were of the least consequence upon questions of a public and important nature, assuredly I might justly say, that no man entertains a deeper detestation of the disgrace and sin of this forced traffic on the coast of China than the humble individual who signs this despatch. I see little to choose between it and piracy; and in my place, as a public officer, I have steadily discountenanced it by all the lawful means in my power, and at the total sacrifice of my private comfort in the society in which I have lived for some years past."

Now, I have no hesitation in saying, that the present state of things is in a precise degree parallel, or something worse. In proof of this, I will refer to the address of the British and Indian merchants at Canton to Sir Henry Pottinger, dated December, 1842; and a portion of the reply of that excellent functionary. The merchants say in their address—

"That there is a spirit of hostility to the English very general among certain orders in Canton, and that the common people are guided and influenced by parties who have means and ability of giving effect to their operations in a more systematic manner than could be expected from an ordinary mob."

What says Sir Henry Pottinger in his reply?

"So far as the mass of the population was concerned, they were, I have understood, as civil and as well-disposed as I have invariably found them in all parts of the empire which I have had occasion to visit since the peace was concluded. It thence follows, that the change which at that time came over the people, and which has gradually led to their present state of exasperation and excitement, must have been brought about by ourselves—that is, partly by mismanagement, and partly by ill-treatment; and I believe both these causes to have had a share in bringing matters to their present crisis."

This officer speaks in strong terms, but they are evidently only such as he deemed necessary for the occasion; they manifest very clearly his own opinion of our national conduct. But hear the opinions of Mr. Ritchie, who is supposed to be the apologist of the East India Company, in his pamphlet entitled the "Opium Trade."

"Such," (says he, meaning the opium trade), "was the proximate cause of the war declared in 1840; but such was not the end of the opium trade. The hostilities between the two nations had the effect, not of putting down the traffic, but merely of enhancing the value of the article. At length, after the destruction of many thousand lives, peace was concluded by Great Britain a few months ago. And what became of the opium trade, the cause of such dire effects? It was not even alluded to in the treaty!"

Now, therefore, I contend that the cause of the war remains in full activity, and is quite as dangerous as before hostilities. What, therefore, can you expect but a renewal of the outrages which recently led to such lamentable results? The opium trade was the original cause of all the mischief that has ensued, and under present circumstances there is every probability of a renewal of those collisions which issued in a war. Why, let the House contrast two statements given lately in evidence, the legitimate with the illegitimate trade; and this testimony alone will be better to prove my case than whole hours of argument. It appears from the evidence of Mr. Jardine, given before the committee of 1840, appointed to inquire into the trade with China, that while the legitimate trade with China was carried on in unarmed ships, it was necessary to arm those engaged in the opium traffic. He was asked,

"Had not the East India Company's ships always a considerable force in sailors and guns?' 'No, (was his reply), the East India Company's ships arrived generally in September, October, and November, and left again in January or February, and through the rest of the year we were without any force.' (He was afterwards asked), 'What force had the ships engaged in the opium trade?' 'The Indiamen (he replied), were all there at the time, they had probably 150 or 160 men among them. I mean the opium ships.' 'And they had guns?'—'Yes.'"

Now, what necessity was there that ships engaged in the opium traffic should be armed with guns, while those engaged in the peaceful and legitimate traffic were wholly without them? I cannot produce a stronger proof of the nature of this traffic than the fact, that ships which were engaged in the regular and legitimate trade went unarmed, while those engaged in the traffic in opium were provided with crews of from 150 to 160 men with arms and cannon, and all the munitions of war. I will now quote the opinion of a right hon. Gentleman, himself a Cabinet Minister at the time he used the language I am about to read. I quote this in no spirit of partizanship—far from it, but in confirmation of my own opinions. I refer to Sir John Hobhouse, President of the Board of Control, who in the course of his speech in the debate arising on the motion of my right hon. Friend, the Secretary of the Home Department, on the war with China, declared—

"It was the opium question which had given rise to many of the difficulties with which they had now to contend, and he agreed with the noble Lord (Lord Sandon), that it was to that question, that Government ought to direct their attention. And although he did not agree with the noble Lord, that they deserved any censure now for having neglected that question, still he admitted that it became any persons to whom the administration of the affairs of this great empire was entrusted, to turn their immediate and serious attention to it."

And in the subsequent part of his speech Sir John Hobhouse said:—

"Far be it from him to wish to say anything less than was deserved of the unfortunate results of that traffic, or to palliate them. He could not but deprecate it as a vice, for a great vice it was."

Let me add an extract from a letter from a merchant, dated Canton, Sept., 1841:—

"At Whampoa (the port of Canton), there are no less than seven opium vessels, selling openly, day and night. It will be disgraceful if the Home Government do not make some regulations for these vessels, though hard to say what they ought to do. The character and behaviour of some of the scoundrels who command them is hardly a grade better than than that of a pirate or slave captain. The provincial government of Canton is now perfectly helpless in regard to them."

Again, Mr. Gutzlaff, a gentleman who was so intimately acquainted with the Chinese people, said:—

"If by a generous and noble resolve on the part of the growers, this evil could be counteracted, and the name of the pernicious drug erased from our price current, we should have done very much toward bringing our political relations with this country to an honourable conclusion."

Now, Sir, such a state of things cannot but be highly injurious, not only to peace, but to anything like a steady and honourable intercourse with the empire of China. But this trade presents another aspect, and is productive of other evils, which have a more direct bearing on the interests and well-being of the people of this country; for I think, that I shall be able to show satisfactorily, that the opium trade has operated most injuriously on our trade in substituting that pernicious drug for the produce and manufactures of Great Britain. It was here that I thought I perceived a connecting link between the question and myself;—having been so long engaged in an endeavour—an unwise one, perhaps, it may appear to many—to promote the welfare of the working-classes, I conceived that I was labouring in my vocation when I made an attempt to extend our commerce, and open new markets for our manufactures. Now, Sir, in contemplating the past and the present state of our trade, we cannot but ask why no progress has been made in the commerce with China; or rather why at the present time, when compared with an anterior period, we have gone back in our importations into that country. Can it be said that our manufactures or other products are deteriorated in quality or have risen in price? Quite the reverse. Can it be said that the jealousy of the Chinese with respect to our manufactures has induced them to adopt a hostile tariff, so as to render the importation of British goods into their country almost impossible? No such thing. Can it be said that the Chinese are adverse to commercial intercourse with foreign nations? If that be said, let me quote the evidence of one whose testimony on such a point is entitled to the greatest credit. Lord Napier, in the year 1834, wrote:—

> "The Chinese are most anxious to trade with us."

And again,

> "It is a perfect axiom, that the Chinese people are most anxious for our trade, from the great wall to the southern extremity of the empire."

Sir George Robinson also states, in 1835:—

> "The people are intensely desirous to engage in traffic."

M. Gutzlaff affirms—

> "English woollens are in great demand, yet we have still to look for that time when the spirit of British enterprise shall be roused, for in regard to China it is almost dormant."

Lord Napier, indeed, said that it was true the—

> "Tartar government were anti-commercial."

It may be so;—but why is not commerce carried to the fullest extent of the privilege we have? Simply, as Captain Elliot stated, because the opium traffic is—

> "Intensely mischievous to every branch of the trade."

If this be not the cause, the reason must be sought for from some other source; but if the House will have patience to listen to me, I have no doubt of being able to establish the statement which I have just made. Now the exports of the East India Company to China, in woollens alone, for six years of monopoly, from 1803 to 1808 inclusive, amounted to 1,128,557*l.* yearly average, while the average number of pieces was 297,388. Now let the House compare this with the total exports, not of woollens alone, but of all exports of all kinds of British goods under free-trade, from 1834 to 1839 inclusive, (the six years between the opening of the trade and the interruption occasioned by the war), containing shipments on American account, which may be estimated from 200,000*l.* to 250,000*l.*, and the yearly average will be found only 996,441*l.*, the average number of pieces of woollen being 156,535, at the value of 458,688*l.* Now, the balance to make up this sum of 996,441*l.*, is, cotton goods, 331,603*l.*; cotton twist, 139,663*l.*; sundries, 66,486*l.* Nor can it be said that we have made a progress in the China trade at all proportionate to the progress made in our trade with other oriental nations. During the same period the yearly average of shipments of cotton goods to the East India Company's territories, was 1,970,239*l.*, and of cotton twist 594,026*l.* It will therefore be seen, that of cotton goods we exported nearly six times as much, and of cotton twist between four and five times, to supply a population of not one-half the amount of the population of the empire of China. Again, from the year 1838 to 1841 inclusive, the cotton manufactures exported by this country to all parts of the world, gave the yearly average of 17,051,960*l.*, of which there went to China much less than the value of half a million. But to be able to form an accurate judgment of the export trade to China, it will be necessary to look to the general progress this country made during the same time. The exports of British and Irish products, from 1803 to 1808 inclusive, were of the yearly average of 22,556,885*l.* official value. The total declared value of shipments to various countries during the five years ending with 1841, inclusive, was 51,583,900*l.*; but if the official value were taken, it would more strongly demonstrate the progress of our trade, for the yearly average would amount to not less than 82,000,000*l.* This being a question of relative progress, let the House compare the statement as to our trade with China in detail with the trade to the rest of the world. If our trade with China be compared with that to Russia, it will be seen to be about one-half; with that to the British West Indies it is not one-third; to the Brazils it is little more than one-third; to Turkey, Morea, and Greek Islands, much below; to Cuba, and foreign West Indies, about on a par; to Germany, one-fifth; to Holland, one-third; and relatively to the whole of the world, it is not one-fiftieth. Nor can it be said that our trade with China is limited or crippled in consequence of the incapacity of that country to export goods in return for our products. On the contrary, for several years back, there has been a great increase in the exports from China. I find that from April, 1834, to March, 1835, inclusive, the imports of tea from China to this country were in value 11,149,674 dollars; of silk, 2,485,365; and of sundries, 2,476,104; making together, 4,027,785*l.* sterling, taking the dollar at 5*s.* From April, 1835, to March, 1836, the total value of goods exported from China was 5,102,347*l.* The total exports from July, 1836, to June, 1837, inclusive, was 6,475,183*l.* The exports from July, 1837, to June, 1838, amounted to 3,259,981, the yearly average of the exports from China during this period being 4,716,324*l.*, a sum nearly five times as much as the value of British goods imported into China. Now, here let the House look to the capabilities of China to give her produce in exchange for British goods. In 1831, and 1832, and 1833, years previous to the opening of the trade with China, the average export of tea was 31,805,208lbs. From the year 1835 to 1839, inclusive, which was after the opening of the trade, the average export was 40,564,621lbs., and the present delivery for consumption and export is 42,000,000lbs. From the year 1800 up to 1810 inclusive, the annual average of the exportation of silk from China was 79,753lbs.; from 1831 to 1833 inclusive, 19,552lbs.; and after the opening of the trade from 1835 to 1840 inclusive, 967,623lbs. And yet after all, is this state of things favourable to British manufactures? State the case in round numbers. We receive from China, in tea, silk, and sundries, to the amount of 4,500,000*l.* yearly, and in silver, 1,500,000*l.* The value of the silver is, probably, even larger; because it is not easy to ascertain the amount realised by sales of opium on the coast; but these taken together make a total of about six millions sterling. Now, what is given in return? We give raw cotton and sundries from India to the amount of 1,000,000*l.*, British goods about another million, but in opium, 4,000,000*l.*, probably more for the reason above stated, making a total of 6,000,000. Next, observe the pernicious effects of the import of opium on the import of produce of all kinds into China; and first as to the trade of India. The following statement is extracted from "an account of the value and quantity of cargoes imported into Canton and Macao, on the tonnage employed annually in the country trade, between the different ports of British India, Canton, and Macao, specifying particularly the quantities and value of raw cotton and opium, in the following years," signed "J. Thompson," and dated "East India House, June 1, 1829:"—

Years.	Opium.	Cotton and Sundries.
	£	£
1817—18	737,775	2,032,625
1818—19	1,098,250	1,901,568
1819—20	1,116,000	1,248,233
1820—21	1,621,500	910,429
1821—22	1,041,562	1,251,011
1822—23	2,332,250	984,812
1823—24	1,822,150	946,102
1824—25	1,128,750	1,627,389
1825—26	2,445,625	1,479,594
1826—27	2,317,456	1,609,851
1827—28	2,810,874	1,150,537

I have not been able to continue the tables to the present time; but the House will observe, almost without exception, an ascending scale of opium, and descending scale of goods, year by year, until, in 1840, the Indian trade amounted in cotton and sundries, to 1,000,000*l.*, and in opium to 4,000,000*l.*, showing that, in 1817, the trade in cotton goods, &c., was three times greater than that in opium, and that now the trade in opium is equal to four times that in cotton and sundries. Looking to the English trade, I find that the number of chests of opium imported into China, from 1803 to 1808, was, on the yearly average, about 4000; the number of pieces of woollen goods, 297,388; whereas, in 1839, the number of chests of opium was 40,000, and the number of pieces of woollen goods, 156,535. The cause of this is remarkably exemplified in a passage of the memorial presented on the 19th of July, 1842, to the First Lord of the Treasury, from merchants and manufacturers:

> "The *Scotland* (says that document) laden with British manufactures, consigned to a respectable British firm in China, was sent up to Chusan during the time the British were in possession of that island. The sale went on satisfactorily till two opium clippers arrived, after which not a bale could be disposed of, the dollars being given for the purchase of the drug."

Now, Sir, my object is, and, I hope, the object of the House will likewise be, to abolish this enormous evil, and to prevent persons from forcing this drug upon the tastes of the Chinese. I am convinced that, if the temptation were removed, the Chinese would readily give their produce in exchange for our goods, which they very much require. You all know what has been effected in Ireland by the temperance movement; there it has been found that the persons who abstained from throwing away their money on spirits, spent it on bread, meat, better clothes, and in improving their dwellings; and it is well ascertained that the persons who have expended their money in this way are better by far, and happier, and more prosperous people. A parallel case would occur in China—the principle I seek to establish in this respect is clearly laid down by the gentlemen who signed the memorial, from which I have just quoted, and is confirmed by Mr. Medhurst, who observes, that,

> "By paying four millions for opium, the Chinese show that they have money to spend, and if we can but induce them to take our cottons and woollens instead of our opium, we shall be blessing them and enriching ourselves."

This memorial, I may observe, is signed by no fewer than 230 great firms, some of them among the largest firms in the world; of these twenty-three signatures were from Liverpool, forty from Manchester, fifty-one from other parts of Lancashire, twenty-seven from Leeds, thirty from the West Riding, and the remainder from other parts of England and Scotland, and they are all of opinion that it would be eminently to the advantage of our commerce to put an end to the opium traffic. What said Mr. Marjoribanks (and surely a gentleman of higher experience cannot be quoted)?—

> "It is quite a vulgar error to believe that the Chinese are otherwise than a very commercial nation, they are without exception the most trafficking people in Asia; they continue the great traders of the east."

And yet what is the state of things as exhibited by Mr. Lindsay, of the factory at Canton?—

> "Here is, in China, a nation, in population nearly doubling that of all Europe, combined with a sea-coast of fully 3,000 miles, abounding with the finest rivers and harbours in the world. Its ports and cities are filled with an industrious, enterprising, wealthy, and commercial people, and yet not 800,000 yards of broad cloths are consumed amongst them annually, although their numbers amount to 360,000,000, thus not giving an average of one yard among 450 persons."

Sir, in addition to these testimonies, I must read an extract from a letter which I have received from Mr. Dunn, the proprietor of the Chinese collection at Hyde Park-corner, a gentleman of very great talent, observation, and experience, who resided in China from the year 1818, up to the year 1831. These are his words—

> "The Chinese are naturally kind and conciliating, and feel keenly when treated with injustice: they possess a strong predilection for commerce, and a great taste for foreign manufactures. The principal barrier to the rapid increase in the consumption of British goods is, I conceive, the opium trade. . . . Stop the opium trade, and you will have their warmest friendship—a friendship that will so facilitate and increase the consumption of your manufactures, that a few years only would show them to be your best customers."

This gentleman resided in China for a great many years, and it was precisely to the circumstance of his having had no dealings in opium that he was admitted to the friendship of many of the Chinese, who gave him this striking mark of their friendship, that by their intervention the extraordinary collection he now possessed was brought down to him from various parts of the interior, and put on board ship, without undergoing examination on the part of any of the official personages. But, Sir, another, and by far the greatest, consideration remains behind; that for which kings reign, and princes decree justice; the consideration of that which affects the moral welfare of whole nations. For what purpose, I ask, is all governments instituted? I speak not of the practice—that is too often corrupt—but of the principle of government. For what purpose are all rulers invested with power, but to encourage religion and morality, to protect and advance the real interests of those committed to their charge, and to hold forth to their subjects and to the world the example of wisdom and virtue? Has it been so here? Has such been our conduct in this particular? Quite the reverse. I will venture to assert that our encouragement to this nefarious traffic has retarded the progress of Christianity, and impeded the civilization of mankind. I will first state generally what are the effects of this drug upon the persons who use it as a luxury. In the *Philosophical Transactions*, it is said by Mr. Russell—

> "It impairs the digestive organs, consequently the vigour of the whole body, and destroys also gradually the mental energies. The memories of those who take it soon fail, the become prematurely old, and then sink into the grave, objects of scorn and pity. Mustapha Shatoor, an opium-eater in Smyrna, took daily three drachms of crude opium. The visible effects at the time were the sparkling of his eyes, and great exhileration of spirits. He found the desire of increasing his dose growing upon him. He seemed twenty years older than he really was; his complexion was very sallow, his legs small, his gums eaten away, and his teeth laid bare to the sockets. He could not rise without first swallowing half a drachm of opium."

Dr. Madden, in his *Travels in Turkey*, states, in describing some opium eaters,—

> "Their gestures were frightful; those who were completely under the influence of the opium talked incoherently, their features were flushed, their eyes had an unnatural brilliancy and the general expression of their countenances was horribly wild . . . The debility, both moral and physical, attendant on its excitement is terrible; the appetite is soon destroyed, every fibre in the body trembles, the nerves of the neck become affected, and the muscles get rigid; several of these I have seen in this place at various times who had wry necks and contracted fingers; but still they cannot abandon the custom;—they are miserable till the hour arrives for taking their daily dose."

Again, M. de Ponqueville, in his *Travels in the Morea*, observes,—

> "He who begins taking opium habitually at twenty, must scarcely expect to live longer than to the age of thirty, or from that age to thirty-six: the latter is the utmost age, that for the most part they attain. After some years they get to take doses of a drachm each; then comes on a frightful pallidness of countenance and the victim wastes away in a kind of marasmus that can be compared to nothing but itself; alopecia and a total loss of memory, with rickets, are the never-failing consequences of this deplorable habit. . . Always beside themselves, the theriakis are incapable of work, they seem no more to belong to society. Toward the end of their career they, however, experience violent pains, and are devoured by constant hunger; nor can their paragoric in any way relieve their sufferings; become hideous to behold, deprived of their teeth, their eyes sunk in their heads, in a constant tremor, they cease to live long before they cease to exist."

Sir, I have read these passages in order to show what is the general effect upon its victims of this abominable drug, which we consider so worthy of the care of an imperial government. Now let me refer to its effects on the Chinese, for whom it is destined. Mr. Majoribanks, president of the select committee at Canton, observed, in reference to its use by the Chinese:—

> "Opium can only be regarded, except the small quantites required for the purposes of medicine, as a pernicious poison. . . To any friend of humanity (he adds) it is a painful subject of contemplation that we should continue to pour this black and envenomed poison into the sources of human happiness—the misery and demoralization are almost beyond belief."

Again,—

> "Any man who has witnessed its frightful ravages and demoralizing effects in China, must feel deeply on this subject."

Mr. Medhurst remarked, that it—

> "Would be well if the rich opium merchants could see the frightful effects which the use of their drug produced upon the unhapppy beings who used it."

I think so too; and it would be well if the Court of Directors of the East India Company, if Members of the Government, and if Members of Parliament, could also be present to see the effects of this pernicious and detestable drug—

> "Calculating, therefore, the shortened lives, (he adds) the frequent diseases, and the actual starvation, which are the results of opium smoking in China, we may venture to assert that this pernicious drug annually destroys myriads of individuals."

It often happens that the drug which has been partially used by the richer classes, is mixed up with other substances and sold again at a low rate, so that not even the poorest are exempted by the narrowness of their means from the contagion of this terrible vice. The effects are well stated by a British merchant in his essay on the opium trade—

> "There is but one point of difference (he says), between the intoxication of ardent spirits and that of opium deserving of particular attention here; and that is, the tenfold force with which every argument against the former applies to the latter. There is no slavery on earth to name with the bondage into which opium casts its victim. There is scarcely one known instance of escape from its toils, when once they have fairly enveloped a man."

As to the effects of this drug at Singapore I shall say nothing, since a noble Friend of mine, who has written so graphic a work upon China, will probably state to the House this evening the results of his own experience. Now, let me proceed to exhibit the baneful effects on the nations of India. Here is an extract from the work of that eminent officer, Colonel James Tod, late political agent to the western Rajpoot states, *On the Annals and Antiquities of Rajasthan.* What does this gentleman say,

> "This pernicious plant has robbed the Rajpoot of half his virtues; and while it obscures these, it heightens its vices, giving to his natural bravery a character of insane ferocity, and to the countenance, which would otherwise beam with intelligence, an air of imbecility. Like all stimulants, its effects are magical for a time, but the reaction is not less certain; and the faded form or amorphous bulk, too often attest the debilitating influence of a drug which alike debases body and mind."

He afterwards terms it,

> "An execrable and demoralizing plant."

Sir, I set, indeed, a very great value on these documents, and it will be for those who follow me on the other side of the question, to disprove, if they can, which is not very probable, the truth of the facts, or the justice of the deductions. I will now proceed to read what I regard as a very important document indeed, a dissent placed on record, in October, 1839, by one of the most able, experienced, and accomplished directors of the East India Company, Mr. Henry St. George Tucker, who protested against the whole of this traffic. Observe his words:

> "By promoting the growth of the poppy throughout Central India, as we have done; by paying high prices, and by giving the native chiefs an interest in producing, rather than restricting the cultivation, we become accessory to the probable extension of a pernicious habit among a race of men whose well-being ought never to be an object of indifference to us." . . . By encouraging and extending, (he continues), the growth of the poppy in our own provinces, and becoming the retail vendors of the drug, we shall promote the introduction or extension of the same pernicions habit, which is calculated to debase our native subjects."

These are the sentiments of Mr. Tucker and I wait to hear what answer can be given to them. But I have another, and a most important document to read, an extract from the *Report on the Tea Plantations in Assam*, by Mr. C. A. Bruce, formerly in the service of the East India Company, and now superintendent of tea culture in that country. Listen to this gentleman, and learn from him the effects of this drug on our own fellow-subjects. I must here request particular attention from the House to the following statement, and from those who answer me a direct refutation, if such be possible.

> "I might here observe, (says Mr. Bruce), that the British Government would confer a lasting blessing on the Assamese and the new settlers, if immediate and active measures were taken to put down the cultivation of opium in Assam, and afterwards to stop its importation. If something of this kind is not done, and done quickly too, the thousands that are about to emigrate from the plains into Assam will soon be infected with the opium mania—that dreadful plague which has depopulated this beautiful country, turned it into a land of wild beasts, with which it is overrun, and has degenerated the Assamese from a fine race of people, to the most abject, servile, crafty, and demoralized race in India. This vile drug has kept, and does now keep down the population: the women have fewer children compared with those of other countries, and the children seldom live to become old men, but in general die at manhood; very few old men being seen in this unfortunate country in comparison with others. But those who have resided long in this unhappy land know the dreadful and immoral effects which the use of opium produces on the native. He will steal, sell his property, his children, the mother of his children, and finally, even commit murder for it. Would it not be the highest of blessings if our humane and enlightened Government would stop these evils by a single dash of the pen, and save Assam, and all those who are about to emigrate into it as tea cultivators, from the dreadful results attendant on the habitual use of opium? We should in the end be richly rewarded by having a fine

healthy race of men growing up for our plantations, to fell our forests, to clear the land from jungle and wild beasts, and to plant and cultivate the luxury of the world. This can never be effected by the enfeebled opium-eaters of Assam, who are more effeminate than women."

This statement is confirmed by a private letter, from an official gentleman in Assam, who says,

"The cultivation of Opium is free in Assam; the fearful results from its use, which every day present themselves to notice, are very painful to witness."

Sir, it is not necessary for me to comment upon passages like these; every man's heart must lead him to the just conclusion, and be satisfied that this drug has produced the most disastrous effects upon the happiness, the physical and moral welfare of all those who use it. I trust the House will agree with me that the parliament and the Government of this country, and all parties concerned, must strain every nerve to put an end to the system altogether. But mark, Sir, how different were the Assamese of a former period when they were unacquainted with this fatal drug. In the Hedikees-as-sef, a Mahomedan account, in 1658, of the operations of Mir Jumla against that country, there is a description of the Assamese in the following terms:—

"The men are healthy, robust, and enterprising."

In this account, which gave a full description of their habits, no mention is made of opium among the products of the country, or of its use by the people. Such, then, is the result of the administration of our philanthrophic and Christian Government—this, the effect of our paternal rule; this, our addition to human happiness. It is out of the question to suppose that Christian doctrines can have any weight in a country where those who profess and inculcate those doctrines encourage this most immoral and wicked traffic. A gentleman who had been in office in India told me, that to a missionary of exemplary character, and great energy, who went out there on his pious vocation, the people whom he addressed, replied,

"You tell us very fine things, certainly; but the things you say, and the things your countrymen do, are so little in keeping, that we cannot listen to you."

I will now go to another district, and quote part of a communication from Mr. A. Sym, for some time opium agent at Gorukpoor, dated March, 1840. He states:—

"The health and morals of the people suffer from the production of opium. Wherever opium is grown it is eaten, and the more it is grown the more it is eaten; this is one of the worst features of the opium question. We are demoralizing our own subjects in India; one-half of the crime in the opium districts, murders, rapes, and affrays, have their origin in opium-eating. Both Hindoos and Mussulmen eat the drug; and its pernicious effects are visible on the population of the opium districts, particularly in the neighbourhood of the depôts." "One opium cultivator (he afterwards adds) demoralises a whole village."

He states also, the great and visible difference in appearance between men of old opium villages, and those where none is grown. Next, the practice of growing opium in India is productive also of the most cruel oppressions. It is said, in defence of the system, that it is not compulsory upon the ryots to give up their land to the cultivation of opium; but it is not to be denied that Government proceeds in such a manner as is tantamount to compulsion. In the *Chinese Repository*, for February, 1837, there is this account of the very remarkable operation which was gone through in reference to the ryots in this matter:—

"The growing of opium (says the writer), is compulsory on the part of the ryot. Advances are made by Government, through its native servants, and if a ryot refuses the advance, the simple plan of throwing the rupees into his house is adopted; should he attempt to abscond, the peons seize him, tie the advance up in his clothes, and push him into his house. The business being now settled, and there being no remedy, he applies himself as he may to the fulfilment of his contract."

Such proceedings, it is true, are not authorised by the Government; nevertheless, the practice is general; it has been ascertained on inquiry by official persons long resident in India, and well acquainted with the whole subject; and it furnishes another proof of the enormous evils and abuses arising out of a system carried on by a vast body of ill-paid native agents, who, every one of them, from the highest to the lowest, have a commission on the produce, and consequently an interest in making that produce as large as possible. Thus we exercise an influence equivalent to force. By enforcing this system over so large a portion of India, are we not manifestly declaring that we govern that country simply and solely with a view to our own interest, without any regard to the interests, the rights, the wishes, and happiness of its people? What is it the people of India—the tillers of the soil require? They show what they want by this fact, that in every instance where a ryot is left to himself, he cultivates, not the poppy, but sugar, potatoes, corn, and other grain. But consider, too, what splendid regions are laid waste by the cultivation of this pernicious weed:—

> "Vast tracts of land, (it is stated) formerly occupied with other articles, are now covered with poppies, which require a very superior soil, in order to produce opium in perfection. Hence, its cultivation has not extended over waste and barren lands, but into those districts and villages best fitted for agricultural purposes, where other plants, grown from time immemorial, have been driven out before it."

Mr. Trevelyan, one of the collectors of the East-India Company's revenue, said, in 1840:—

> "The Benares province is our Jamaica; it is the great sugar district of India. . . . The valley of the Ganges is a tract of alluvial country of extraordinary fertility, about 1,000 miles long, and from 150 to 300 miles abroad, and if perfect freedom of trade prevailed, and the necessary degree of capital and skill were applied to the production of sugar, it might grow sugar sufficient for the consumption of the whole world. It might get its grain from the neighbouring countries, which are suited only for the production of grain, and might itself be given up to the growth of sugar, indigo, tobacco, and other valuable productions."

Perhaps it may be urged that the poppy has taken the place of the weed, and by its growth rendered the wildest soils beneficial to man: no such thing; it has banished useful agriculture. Mr. Langford Kennedy, an opium agent, distinctly stated in 1832, that poppy is—

> "Never cultivated on waste land, but on land before appropriated to tobacco and potatoes; both these, with opium, are crops which require the richest soil; in every particular case the poppy, where I increased the cultivation, was substituted for other articles which had been grown from time immemorial."

Sir, having now shown what is the effect in China, upon our own population in India, and on man in general, of the encouragement of this drug, I will now call the attention of the House to the manner in which this detestable traffic is carried on. The conduct is worthy of its origin; as it begins, so it continues, and so it ends, in fraud, violence, and oppression. In a letter dated Macao, 14th June, 1839, the writer says:—

> "The opium trade is not annihilated. It has only, as it were, changed hands. It has passed to a class of men prepared to carry on the traffic at all hazards, to overcome all obstacles that may oppose their progress, by the weapons of war, and who for this purpose, at this time, both here, at Manilla, and Singapore, are fitting out vessels in such a manner as will defy all the naval power of China."

Another letter, from a gentleman at Macao to his friend in London, dated Macao, August 6th, said:—

> "Vessels armed to the teeth are employed along the coast, and actually forcing it into the country."

A third communication, from the head of a mercantile house, dated Hong Kong, 8th August, 1839, said:—

> "The smuggling trade, as now carried on on the coast, too closely approximates to murder, ever to enable them to defend the morality of it, whatever they may say of the drug; to fire upon parties who endeavour to stay them in an illegal act, or to sell the opium to men who choose to risk their heads for money, is neither a gentlemanly nor honourable trade."

A letter from a merchant at Bombay to a firm in London, dated December 31, 1839, contains these passages:—

> "The opium trade is carrying on with the greatest vigour, and enormous prices are being realized. We have seen a letter from an officer of the Lady Grant, a clipper that left this in September with about 700 chests of opium. She was leaving Singapore with twelve guns, and a crew of fifty-five men, for the coast of China. A letter from———, of the Vansittart, states—(it is dated Hong Kong, October 17), that a vessel has just arrived from Calcutta, carrying eighteen guns and forty Europeans, besides her Lascar crew. Our last letter would inform you that the Bengal government put up 6,000 chests on the 4th of January. The Sir Edward Ryan has just arrived with a full cargo, and fully armed and manned by a set of desperate fellows, who burn and destroy everything that comes in the way of their disposing of their opium."

Now, let the House hear what is the effect of these things on the native mind. The following is from a native Hindoo, dated Calcutta, August, 1839:—

"If from what was before known in England, one book has been published 'On the Iniquities of the Opium Trade,' there will be dozens when the people in England know as much of this trade as we now know. The papers will supply you with ample information on this head. The latest circumstance I will relate myself. The Red Rover and Sir Edward Ryan, lately arrived from China, and they have both sailed out of a British port, under the sanction of the British Government, with the avowed object of landing their opium, and selling it at all hazards on the east coast of China. They will probably fall in with some Chinese guard-boats, and will not hesitate to murder and plunder them if they can. Good God! will it be hereafter believed, that British merchants, in the nineteenth century, could, in the face of the world, without a cloak, and without a blush, engage in such a nefarious and piratical adventure for the sordid love of pelf? And yet no voice is raised, save that which is heard from the pulpit, against this murderous expedition."

The correspondent in China of a mercantile house in India, observes :—

"To show you that more of such occurrences may be expected, we conversed the other day with a gentleman just arrived from China, who informed us, that before he left Macao, he had been in company with four captains of opium vessels, who declared to him that they had fully made up their minds to attack and sink all that opposed them in any way whatever."

This, Sir, which I shall now read, I had from an eye-witness. He had seen, he states—

"The clippers lying in the Hoogley, with crews double in number to what was required for the navigation of the vessels, carrying guns, and fully armed, (cannon, cutlasses, and muskets), with captains determined to fight their opium in at all hazards."

I had yesterday the advantage of seeing a gentleman, recently returned from China, after a residence there for seven years, who gave me some curious information on the subject. That gentleman stated these heads—

"The Lintin smuggling fleet keep in use a set of signals. In 1838, a dispute between the Chinese and the opium ship, Hercules; a small village subsequently set on fire by the English opium smugglers. In 1833—4, collisions and loss of life. 1835, Opium ships continue to increase, frequently fire into the Chinese junks: send armed boats to cover the landing of the opium. 1837—8. The smuggling in the Canton river, in schooners and small craft, commenced about August; much murder and much bloodshed must have taken place. In the night the sound of firearms on the river might be heard in the foreign factories. The commanders of clippers openly boast of their exploits in firing on the Mandarin boats. The commander of a boat told me 'they had fired ten barrels into one boat at one time.' The very last accounts report six opium ships at Chusan. There are now, probably, thirty or forty armed ships smuggling opium on the coast of China."

"Is it possible, I ask, that this state of things can continue, that the government will not exert itself to extinguish such an evil? Surely it would become her Majesty's Government to take some steps towards the repression of this illicit and outrageous traffic; if not in respect to the Chinese, in deference, at least, to the feelings of the civilised and Christian nations of the world. But I have something even beyond this; I have a letter from a gentleman of great experience, written a few days ago :—

"When I was in Bombay, in the latter part of 1839," says the writer, "I learnt from good authority that the opium clippers were supplied with arms." From where, does the House think? From the merchants' stores? No. From private depositories? No. But actually from "the very arsenals of the Government itself." Sir, is this to be tolerated? The letter goes on to say, "Our opinm clippers assumed the style of our ships of war when in Whampoa reach, firing morning and evening guns, and in no way differing; so that the Chinese could only recognise them as ships of war."

Now, all this, no doubt, is unknown to the Government; it is carried on in obscurity, in a corner? Quite the reverse. These proceedings form part of the fiscal arrangements of the Government; they constitute an important portion of the imperial policy of India. The opium is grown by advances from the imperial Government, carried down to Calcutta, and put up to sale under the Government authority; it is shipped in opium clippers lying in the river, and the whole trade is carried on with the support and under the eyes of the supreme Government. I will confirm the statement by the official account or regulation on the subject, which is to be found in a letter from the Governor-general in council, in Bengal, to the Court of Directors, dated August 3, 1830:—

"Full information," it says, "of the new plan on which it is proposed to conduct the concern in Malwa will be communicated through the board of customs, salt and opium, to all persons concerned in the opium trade to China, at this presidency; and we informed the Bombay Government that it was our intention to continue to encourage the extension and production of the articles on this side of India."

With reference to the advances made by the Indian Government, Mr. Langford Kennedy, assistant opium agent at Patna, and opium agent at Behar, from 1811 to 1829, in his evidence before the committee of the House of Commons in 1832, said, that—

> "Advances were made by him to the Gomastah, by the Gomastah to the Suddor Mattoo, by the Suddor Mattoo to the Village Mattoo, and by the Village Mattoo to the Ryot;" and he adds, "the Gomastah obtains a further income by a species of extortion."

He proves clearly enough, that the whole cultivation is effected by Government advances, and under the Government control. But this is not all; not only is the supreme Government of India desirous to encourage and extend the growth of this pernicious drug, but they take great and minute care, a vast deal, I must say, in the style of shopkeepers, to study the taste of their customers, and pander to the vitiated palates of the Chinese, and inflame the temptations, so as to ensure an ample demand. Let the House listen to this statement, the policy of a Government that rules 100,000,000 of of men! The proof of the fact rests on the statement of its own officers. Dr. Butter, the opium examiner of the Benares agency, says, in his paper on the preparation of opium for the Chinese market,—

> "The great object of the Bengal opium agencies is to furnish an article suitable to the peculiar tastes of the population of China, who value any sample of opium in direct proportion to the quantity of hot drawn watery extract obtainable from it, and to the purity and strength or the flavour of that extract when dried and smoked through a pipe. The aim, therefore, of the agencies should be to prepare their opium so that it may retain as much as possible its native sensible qualities, and its solubility in hot water. Upon these points depends the virtually higher price that Benares opium brings in the China market, and the lower prices of Behrá, Malwa, and Turkey opium."

This is the testimony of an agent of the supreme Government of Bengal; it shows pretty evidently that it is the intention of the directors that the opium should be prepared to entice and to suit the vitiated taste of the Chinese consumer. Now all this had been enjoined at the same time that the opium-trade with China was known and declared to be contraband, and the Government made profession of not allowing their own servants to be engaged in anything so unlawful. I have another document to quote; it shows an almost parental care, on the part of the East India Company, to ensure the safe delivery of the real article. In 1829 it granted licenses to country ships to trade between Calcutta and Canton, and these were the conditions:—

> "We do hereby grant a license, for, and in the name of the said united company, to the said ship to proceed upon and throughout the said voyage, to the said port of Canton, in China, and back again, &c. . . . Provided and upon condition that this license shall cease and be void, if and so soon as any foreign opium, or other opium than such opium as shall have been sold at the public sales of the said united company in Bengal, shall be laden with the knowledge or concurrence of the master or commander thereof, on board the said ship."

All this time, I say again, the Government knew the trade to be contraband; the Legislature, too, knew and confirmed the system. The report of the committee of this House which sat in 1832 on the opium-trade, said,—

> "The monopoly of opium supplies the Government with . . . . . of revenue." "It does not appear advisable to abandon so important a source of revenue, which appears, on the whole, less liable to objection than any other which could be substituted."

I do think that this proves how deeply culpable we all are. Parliament itself is responsible for much of the mischief. I was in Parliament myself at the time, and I share in the responsibility; but I had not at that time the most remote idea of the enormities which the details of the system have since brought to light. That committee were cognizant of the detestable and cruel manner in which the trade was carried on. We may see that we have thrown a veil over these enormities by our own vile legislation, and done a great deal to blunt the moral perceptions of the people engaged in it. See the effect; when Mr. Jardine was examined before a committee of the House in May, 1840, a question was asked of him, whether—

> "The Europeans engaged in the trade were not aware of the moral objection to the trade?"

Now, what was his answer?—

> "When," says he, "the East India Com-

pany were growing and selling opium, and there was a declaration of the House of Lords and Commons, with all the bench of bishops at their back, that it was inexpedient to do away the trade, I think our moral scruples need not have been so very great."

Sir, there is a great deal of truth, as the world is constituted, in that answer of Mr. Jardine, and a great deal to be learned from it.—I hope the House will excuse me for entering into all these details. When I had undertaken to bring this question before the House, I felt myself bound to do it completely, and set before the House, by statements and facts, all the causes and consequences of this system, and the effects produced, both on India and China, by the contraband trade. But now, Mr. Speaker, let us ceme to the first and highest consideration of all; the consideration of the effects derived from the imperial sanction of this trade on every thing that is of sterling value—on the progress of society, the civilization of man, and the advancement of the gospel. I remember well, for I much admired, the language of the right hon. Gentleman, the Member for Edinburgh, in the debate on the gates of Somnauth. "Every act," said the right hon. Gentleman,

> "Which tended to bring Christianity into contempt was high treason against the civilization of the human race."

I heartily concurred in that sentiment, and I proved my sincerity by voting for the motion, and with the right hon. Gentleman. I hope that the right hon. Gentleman will do the same for himself, and prove his sincerity by voting with me; because I can show, from the testimony of thinking men, that opium and the Bible cannot enter China together. What said Mr. Medhurst? He said,

> "It has been told, and it shall be rung in the ears of the British public again and again, that opium is demoralizing China, and becomes the greatest barrier to the introduction of Christianity which can be conceived of. But the difficulty of convincing others of the truth of Christianity, and of the sincere intentions of Christians, is greater in proportion to the extent of the opium trade to China. Almost the first word uttered by a native, when urged to believe in Christ is"—

And this I beg the House to consider well—

> "'Why do the Christians bring us opium, and bring it directly in defiance of our own laws? That vile drug has poisoned my son; has ruined my brother; and well nigh led me to beggar my wife and children. Surely, those who import such a deleterious substance, and injure me for the sake of gain, cannot wish me well, or be in possession of a religion that is better than my own. Go, first, and persuade your own countrymen to relinquish this nefarious traffic, and give me a prescription to correct this vile habit, and then I will listen to your exhortations on the subject of Christianity.' . . . Should the Chinese," he adds, "Ever determine on stopping the trade, it will be from a far different motive than a wish to exclude the gospel. The determined perseverance and the audacious daring with which the opium traffic is pushed forward, to the real injury of his people, as well as the defiance of his authority, exasperates the emperor a great deal more than the distribution of tracts along the coast."

What, too, says Mr. Squire, who has resided for several years in China, as an agent of the Church Missionary Society? Speaking of the opium shops in Canton, he says,

> "Never, perhaps, was there a nearer approach to a hell upon earth than within the precincts of these vile hovels, where gaming is likewise carried on to a great extent. Here every gradation of excitement and depression may be witnessed." He adds, "Truly it is an engine in Satan's hands, and a powerful one; but let it never be forgotten, that a nation professing Christianity supplies the means; and further, that that nation is England, through her possessions in Hindostan."

Again, the Rev. Howard Malcolm, of the United States, said the same thing; and I wish much to impress it on the House—

> "The great blot on foreigners at Canton, though not all, is the opium trade. That men of correct moral sensibilities and enlightened minds should be so blinded by custom, or desire of gain, as to engage in this business is amazing . . . We have little reason," He continues "To wonder at the reluctance of China to extend her intercourse with foreigners; nearly the whole of such intercourse brings upon her pestilence, poverty, crime, and disturbance. No person can describe the horrors of the opium trade . . . That the government of the British India should be the prime abettors of this abominable traffic, is one of the grand wonders of the nineteenth century. The proud escutcheon of the nation which declaims against the Slave-trade, is thus made to bear a blot broader and darker than any other in the Christian world."

Sir, these observations are most true; I am fully convinced that for the country to encourage this nefarious traffic is as bad, perhaps worse, than encouraging the slave-trade. That terrible system of slavery does not necessarily destroy the physical and moral qualities of its victims. It tortures and degrades the man, but it leaves him susceptible of regeneration. But the opium trade destroys the man, both body and soul, and carries a hideous ruin over millions which can never be repaired. You may abolish the evil this night; but you cannot restore the millions who have been tempted by the proceedings of the government of India to indulge in the use of the pernicious drug. Now a fact has just occurred, than which nothing, I am certain, can reflect greater disgrace on all our conduct; it occurred on Wednesday last. The Baptist Missionary Society—a society which has done a great deal in effecting the spread of the gospel among heathen nations, and which has produced some most eminent and pious men—at a meeting last Wednesday, took into consideration the propriety of sending out missionaries to China; and it was decided to work through the agency of the American missions, because the public feeling in China was so strong against the English, that if the missionaries hoped to work at all, it must be through America, which had kept aloof, in a great degree, from this disgraceful traffic. And what was the result? Why the Baptist Missionary Society of England voted 500*l.* to be put at the disposal of the American missionaries for the propagation of the gospel in China!—So, Sir, it has come to this, that England, which professes to be at the head of Christian nations, is precluded by her own immoral conduct from sending her own missionaries to that part of the world which she herself has opened for the advancement of civilization and the enlightenment of Christianity. There is another still more curious document to which I must refer as it tends to show how the conduct of this country to China has been calculated to bring Christianity into disrepute with that nation. It appears that in 1677,

> " The Emperor Kanghe sent men to weep before the corpse of a missionary, Father Magaillans; he supplied also a costly shroud, and directed the chief men of his court to attend the funeral, to show the high esteem he had for the preachers of the gospel."

Until the year 1836 there had been issued no edict against Christianity itself, though there had been edicts against certain professors of Christianity. But in 1836 there was published the following document:—

> " Decree by Imperial Commission, dated Canton Taon-Kwang, 16th year, 29th day, 4th moon, against Christianity, from the Treasurer Goo and Superior Judge Van. To spread the Christian religion is to deceive the people; that religion is, in fact, the ruin of morals and of the human heart. Why do you believe fables which only destroy the human heart? Why do you seek vile gain, and thus procure your destruction?"

When I read that edict, I solemnly declare, it conveyed to my mind a feeling of horror I had never before experienced. I felt that by the unprincipled acts of our government towards that people, we had made the " name of God to be blasphemed among the heathen." Let the House look to the facts adduced by Mr. Tucker :—

> "I have never been without some faint hope," he says, " that a system, to my mind most pernicious and discreditable to us, would sooner or later be abandoned. . . . The utmost efforts have been used to extend the cultivation of the poppy in our old provinces. Premiums and rewards have been held out; new offices and establishments have been created. . . . The supreme government of India, too, have condescended to supply the retail shops with opium for domestic consumption, and have thus added a new feature to our fiscal policy."

Was there ever before, Sir, such a thing perpetrated by a government?

> "I believe," he adds, " that no one act of our Government has appeared in the eyes of respectable natives, both Mahomedan and Hindoo, more questionable than the establishment of the abkarry or tax on the sale of spirituous liquors and drugs. Nothing, I suspect, has tended so much to lower us in their regard. They see us derive a revenue from what they esteem an impure source." . . . "Was it becoming," he continues, " in a great government to exhibit itself as the purveyor of opium to publicans, or ' to establish shops on the part of the government (I use the word of the regulation) for the retail sale of the drug?' Is it desirable that we should bring it to the very door of the lower orders, who might never otherwise have found the article within their reach, and who are now tempted to adopt a habit alike injurious to health and good morals?"

He then goes on to mention that

> "The cultivation of the poppy has now been spread throughout a large portion of Rajpootana, as well as in our own and the Mahratta districts of central India and the

Affghan state of Bhopal. Negotiations have been entered into, and treaties concluded, such as are not, I believe, to be paralleled in the whole history of diplomacy. We have undertaken to pay Holkar the sum of six lacs of rupees annually; and we are anxious that Scindia should be induced to accept a subsidy of the same description. Oudpoor, Kotah, Boondi, and other Rajpoot states are all to receive, and some of them do actually receive, annual payments from us on account of opium. And for what purpose?"

Why, to the exclusion of other products, in some instances, the sugar-cane, cotton, and other things which constitute the riches of a country, and minister to the wants and comforts of the people. This, Sir, is the statement of the evil, its causes and results: the mischief it has done must guide us to a judgement of the mischief it will do, unless speedily abolished by the intervention of this House. I will now venture to consider the remedy that may be proposed. In the first place, I contend that you ought to destroy the monopoly which the East India Company possesses of the growth and manufacture of opium in India. I follow the opinion of experienced persons when I state that it may be abolished. It is the opinion of such persons that the abolition of the monopoly would alone abate nine-tenths of the mischief: nothing but monopoly could have forced the enormous extension of the traffic. This was the opinion of Mr. Robert Inglis, a gentleman long connected with the opium-trade, and who was examined before the committee in 1840.

"How long ago," he was asked, "had you said that you were sure that the thing could not go on?"—"For four or five years past; the last time I was in England I remember more than once saying that the thing could not go on." "What gave you that impression?"—"An immense quantity of opium being forced upon the Chinese every year, and that, in its turn, forcing it up the coast in our vessels." "When you use the words 'forcing it upon them' do you mean that they were not voluntary purchasers?"—"No; but the East India Company were increasing the quantity of opium almost every year, without reference to the demand in China; that is to say, there was always an immense supply of opium in China, and the company still kept increasing the quantity at lower prices." "Do you use the word 'forcing' in the same way that you would use it in reference to a large supply of cotton goods, or anything else?"—"Yes." "When you say 'The East India Company,' you mean that it was opium grown in India?"—"Yes; I say the East India Company, because I conceive that nothing but a monopoly could have forced the opium in the way in which it was done."

The same is confirmed by Lieutenant-Colonel Tod:—

"Our monopoly," says that officers, "acted as an encouragement to this vice, for no sooner was it promulgated that the Compani Sahib was contractor-general for opium, than prince and peasants, nay, the very scavengers, dabbled in the speculation. All Malwa was thrown into a ferment; like the Dutch tulip bubble, the most fraudulent purchases and transfers were effected by men who had not a seed of opium in their possession."

And further than this,

"The Government encourged the growth of the drug by allowing the collectors a per centage on the produce; and not merely a per centage on what was produced, but on the quantity produced under each collector above what was produced under the former collector. The local government allowed the collectors of the districts a per centage at the sales in Calcutta, upon the surplus produce over and above what was produced by their predecessors?" "Hence," said the opium agent, "the great stimulus given to cultivation in Behar and Benares."

And no wonder; for is the House aware of the influence and power of such functionaries? The collectors are far greater officers than their names would signify; they assess the districts, they are magistrates, and, as it were, a house of commons in themselves. Any one at all acquainted with oriental habits will say that the wish of a collector is nearly tantamount to a command. The first thing, then, that I will propose, is the abolition of the monopoly of the Indian government, and I will adopt, to recommend my proposition, words more emphatic than I could devise of my own; I will propose the abolition in

"The hope (with reference to internal consumption) that it will tend to restrain the use of this pernicious drug." . . .

I will add,

"Were it possible to prevent the use of the drug altogether, except strictly for the purpose of medicine, we would gladly do it in compassion to mankind."

Now whose words are these? Are they the words of some sorry pamphleteer? of some disappointed candidate for official appointment? No. They are the words of the Directors of the East India Company themselves, in a letter to the Governor-General and the council in Bengal, They admit that the use of the drug is pernicious, and they say that, out of compassion to mankind, they would gladly prevent its use altogether, except as a medicine. This is a noble sentiment of the court; and it is now the duty of the Legislature to come forward to their help, and enable them to carry out their wise and beneficent intentions. Now, Sir, to remove another feature of the evil, I would prohibit altogether the cultivation of the drug in the territories of the East India Company. Many, I fear, will differ from me on this head; and the resolution I shall have to propose does not affirm such a course. It would, however, be a practicable measure; it has been done before, and it may be done again; it has been effected partially, and may be so universally. The whole system in India is one of prohibition; the drug had been suppressed by the presidency of Bombay. I find a paper, requesting from the supreme government a communication of the views of the Bombay government as to the best method of checking the exportation of Malwa opium,—the Bombay government states in reply, that the cultivation of the poppy had been prohibited in Guzerat (1803), by the influence of the British Government, so, by the same influence, the cultivation of the drug for exportation might be prohibited in Malwa. What said Lieutenant-Colonel Tod, whose remarks are extremely important.

> "If the now paramount power, instead of making a monopoly of it, and consequently extending its cultivation, would endeavour to restrict it by judicious legislative enactments, or at least reduce its culture to what it was forty years ago, generations yet unborn would have just reason to praise us for this work of mercy. It is no less our interest than our duty to do so, and to call forth genuine industry for the improvement of cotton, indigo, sugar-cane, and other products, which would enrich instead of demoralising, and therefore impoverishing the country."

But again, to return to the question of the prohibition of the growth of this plant. If it has been prohibited in many parts of India, why not prohibit it in all? It is not a thing that is grown in a night; it must be sown and lie on the ground for a considerable time, at least four months. Mr. H. St. George Tucker, an East India director, tells us that such measures have been successful.

> "In prosecuting our policy," he says, "we went so far as to prohibit the cultivation of the poppy in the districts of Bhaugalpore and Rungpore, where it had long been grown extensively, and where the produce had theretofore been appropriated to the purposes of the monopoly; and at a period not very remote, on information being obtained that cultivation in Rungpore had been clandestinely renewed, the Government did not hesitate to order the plant to be eradicated in the most preremptory and arbitrary manner."

The opinion as to the possibility of the prohibition of the growth of the poppy is likewise confirmed by the board of directors of the Assam Tea Company. They say in the report in 1841,—

> "The growth of the poppy on their lands is entirely prohibited. This prohibition it will be as much the interest as the duty of the company strictly to observe; and it is to be hoped, that the Government itself will take active measures to put down the cultivation of opium throughout the province, for to the very general use of this drug may be mainly attributed the scantiness of the population, the wretched condition of the Assamese, and the difficulty of obtaining labour from a race enfeebled by its effects."

I have, therefore, the testimony of the Assam Tea Company, that not only is the prohibition carried out in their territories, but they likewise express a hope, that this prohibition may be rendered general throughout the province by the Government. And who are the parties who have expressed this opinion? The chairman of the company at that time was Sir George Gerard de Hochepied Larpent; deputy chairman, Sir W. Baines, bart.; directors, Messrs. John Alliston, Francis Fox, William Manning, Alexander Rogers, Foster Reynolds, William R. Robinson, John Small, Richard Twining, John Travers, Thomas Weeding, and last, though not least, Mr. Ross D. Mangles, Member for Guilford, who, I feel assured, will give his vote this night in conformity with his opinion. I will quote one other opinion, the opinion of no unimportant person on this subject—the opinion of Sir G. B. Robinson, as expressed to Lord Palmerston on the 5th of February, 1836.

> "Whenever," said that gentleman, "his Majesty's Government direct us to prevent British vessels engaging in the traffic, we can enforce any order to that effect; but a more certain method would be to prohibit the growth of the poppy and manufacture of opium in British India." (*cheers.*)

Sir, it is very singular that the opinion

I have just read should be received with cheers from both sides of the House; by the parties composing the two governments of late years, which have seen the evil, and applied no remedy. Both have deplored it; and both have allowed it to remain. The difficulties, no doubt, have been great; but so are the crime and the danger, which must now be met, and boldly met, by the principles and the energy of a Government. Now, Mr. Speaker, in opposition to these several proposals, there have been raised a variety of arguments, which I will briefly consider. The first of these is grounded on the assumed insincerity of the Chinese rulers, that they are not sincere in their professions of anxiety to exclude the opium. Now, supposing it to be so, their insincerity is no business of ours. Law is law, and must be respected. It would be no affair of ours, if the French government should pretend moral motives for the prohibition of our goods, when its objects, in fact, were exclusively fiscal; we must pay regard to national regulations. What people give us credit for honesty and principle in suppressing the slave-trade? We feel ourselves grossly wronged by such suspicions. Let this infuse into us a particle of charity, and make us believe that it is possible for the emperor of China to be guided by a desire of good, and the moral welfare of his people. But, Sir, I believe in the total and complete sincerity of the supreme government of China on this subject; not of the local government, for that has been most completely corrupted by us in a long course of bribery and intimidation. Look at the whole history of the opium trade with China. According to Mr. Ritchie,—

> "In Kienlung's reign, as well as previously, opium was inserted in the tariff of Canton, as a medicine, subject to a duty. After this it was prohibited. As soon as his successor, Keaking, mounted the throne, opium-smoking was declared to be an offence punishable by the pillory and the bamboo. In the fourth year of his reign (1799) the sale was interdicted; and the punishment annexed to a contravention of the law increased gradually to transportation and death by strangling. In the following year its importation was utterly forbidden, and heavy penalties denounced against offenders."

Now, as to the opinion of the Chinese government, what has been recorded? There is not a single case, under any circumstances, since 1783, in which opium has been admitted by imperial edict into China. The question was put to Mr. Jardine in 1840—"There is no instance of an imperial edict sanctioning the trade?"—"Never," he replied. Surely such a continuous mode of action for nearly sixty years is sufficient indication of a determination to exclude a particular drug; and the fact of there having been no relaxation during that period must be taken, if anything could be so, as an indication of sincerity. But let the House look at the recent facts. The whole of the opium seized by the emperor was destroyed, although it might have been sold for an amount equal to 3,000,000*l.* The emperor did not convert a grain of it to his own use, but had it all destroyed in the presence of eye-witnesses. Surely, if he were not sincere in his opposition to the drug, he would not have acted so prejudicially to his own pecuniary interests. But if he be not opposed to its admission, why does he not realize a revenue from it, and allow it to be admitted at a high duty? On 40,000 chests, at 25*l.* per cent. *ad valorem* duty, he would realise 1,500,000*l.* I know that the emperor's opposition to the introduction of this drug into his dominions is charged to his anxiety because of the oozing out of the Sycee silver to the extent of about 2,000,000*l.* a-year. But surely this is a fair matter for the Goverment to be anxious about when we consider that any derangement of the currency here produces such ferments in the country, and talk in this House as if the nation were at the last gasp. But because the emperor of China puts that argument forward as one reason and only one reason, for his opposition to this trade, he is to be taxed with insincerity. Again, it is said, that the poppy is grown to a great extent in China. Now this is rather a proof of extreme weakness in the internal government, beause we know well that there are constantly edicts against its cultivation. Mr. Jardine is asked,

> "Have you ever heard of any attempts made by the Chinese government to put down the growth of opium in China?"—Frequently, in former days there used to be translations of the *Pekin Gazette* to that effect. Again: Before reading the discussions at Pekin about the suppression of the trade, did you know that opium was extensively grown in China?"—"Yes, in consequence of having seen it in the *Pekin Gazette,* when it used to be translated for the company, that autho-

rities had been sent out to destroy the poppy in the provinces in which it is grown."

Besides, if the emperor were not opposed to its use in his dominions, why does he not encourage its cultivation at home? This would put a stop to smuggling and the efflux of Sycee silver, and would prevent collisions with the English, besides realizing a large revenue, for the climate of China is very favourable to the growth of the plant. But I will quote another curious fact, to prove the sincerity of the emperor's opposition to the consumption of this drug, for which I am indebted to the hon. Member for Leeds (Mr. Aldam). This is an extract from *Recollections of Siberia*, by Mr. Cottrel, 1840. Speaking of Semipolatinsk, near the river Irtysh, in Omsk, he says,—

> "The trade with China is here very considerable; about 40 poods, or 1,440 pounds weight of opium, are generally imported into China yearly from this, but in 1839 it was all seized and confiscated."

Hence we must infer, that the seizure of the English opium in Canton in 1839, and of the Russian opium introduced by the Russian merchants, was part of a new fiscal system and of a general measure, not directed exclusively against the British. But, Sir, if this be our opinion of the conduct of the Chinese emperor, why not charge another oriental monarch with similar insincerity? Yet I find the following passage in the treaty between the East India Company and the king of Siam:—

> "Merchants are forbidden to bring opium, which is positively a contraband article in the territories of Siam, and should a merchant introduce any, the governor shall seize him, and destroy the whole of it."

Surely we may, in decent consistency, allow to the emperor of China the same liberty that we allow to the king of Siam. Next, it is urged, that we might as well interdict the growth of barley as the growth of opium. I will meet that objection at once. If we could say no more for the utility of the growth of barley than for the utility of the growth of the poppy, I would interdict it at once. But is this so? Is not barley convertible to the sustenance of animals, to the sustenance of man? But opium is applicable only to medical purposes, and the Indian opium is not even fit for that. Here is the testimony of Dr. Butter, in the journal of the Asiatic Society of Bengal? he says, that—

> "But for the unfortunate superabundance of narcotine, and comparative paucity of obtainable morphia in Indian opium, the manufacture of the muriate on a large scale might advantageously be established at one of the Bengal agencies for the supply of our India medical department with this admirable preparation."

So we see that India, from the peculiar quality of its opium, is not able to supply its own department with that useful and necessary medicine. Indeed, it has never been the object of the Indian Government to cultivate opium with a view to its medical properties. This question has been put to Mr. Stark, a most intelligent gentleman at the India board:—

> "According to the information that you have obtained, can opium be cultivated more cheaply and with greater advantage in Bengal, than in any other part of the East, taking into consideration both quantity and quality?—The Bengal Government have never attempted," he replies, "to produce opium with reference to its medical qualities, but entirely with a view of meeting the taste of the Chinese."

I hope, therefore, that no one will contend that the plant is grown in India for medical purposes. If grown as a medicine, it is a hundredfold more than is necessary for the whole world; but, if grown as a stimulant, let me read to the House a letter which has been put into my hands, written by a celebrated surgeon, and signed by a vast number of eminent physicians. I will request to this the serious attention of the House. The writer says,—

> "However valuable opium may be when employed as an article of medicine, it is impossible for any one who is acquainted with the subject to doubt that the habitual use of it is productive of the most pernicious consequences—destroying the healthy action of the digestive organs, weakening the powers of the mind, as well as those of the body, and rendering the individual who indulges himself in it a worse than useless member of society."

Some people may think it is a beneficial stimulus. This doctor says,—

> "I cannot but regard those who promote the use of opium as an article of luxury, as inflicting a most serious injury on the human race."

The first gentleman who signs this letter is Sir B. Brodie, and to the letter is attached this statement:—

> "The following gentlemen state, that they entirely agree with Sir B. Brodie in the opinion expressed by him in the foregoing letter, and

have accordingly attached their signatures to it;—Sir Henry Halford, Bart., M.D., F.R.S, F.H.S., President of the Royal College of Physicians; Anthony White, Esq. President of the Royal College of Surgeons, and Surgeon to Westminster Hospital; W. F. Chambers, M.D., F.R.S.; Thomas Hodgkin, M.D.; Geo. Gregory, M.D.; C. Locock, M.D.; Robt. Ferguson, M.D.; Henry Holland, M.D.; Anthony Todd Thomson, M.D.: Thomas Watson, M.D.; Charles J. B. Williams, M.D.; John Glendinning, M.D.; F.R.S.; James Carrick Moore, Esq.; Benjamin Travers, Esq.; F.R.S.; John Ayrton Paris, M.D.; John Forbes, M.D.,; F.R.S.; Richard Bright, M.D.; Robert Liston, Esq., F.R.S.; J. M. Latham, M.D.; Roderic Macleod, M.D.; Cæsar Hawkins, Esq.; James Johnson, M.D.; Frederick Tyrrell, Esq.; and C. Aston Key, Esq."

Again, it is said if we abandoned the growth of the poppy others would take it up; but it must be allowed, that if the growth of the poppy were put down in British India, years must elapse before the same quantity could be grown elsewhere; meanwhile, we might hope for an improved morality, for an improved policy, and for a better taste growing up amongst the Chinese. But of this I am sure; that if the growth of the article should be entirely prohibited, if it be no longer grown under the superintendence of the supreme Government, capitalists will be backward to enter on the cultivation, and will be deterred by the hazard of exposure when the produce of it shall be visited with severe measures. Look, too, at what has been done by other governments. Let us, first, take the Spanish possessions in the Philippines; the supply of opium from Manilla, by last returns, is only ninety-four chests, of which five-sixths had come to England, and one-sixth had gone to China, of very bad quality. Here the growth is voluntary, and not encouraged by the Government. A highly respectable and well-informed merchant, recently returned from Manilla, states, in a letter dated January 24th, 1843, that—

"The import of opium for home use in the Phillippine Islands is strictly prohibited, and there is no inland trade in the article."

He adds also, that—

"Opium imported in Spanish vessels is permitted to be bonded for re-exportation, except to China, to which country Spanish vessels are not allowed to carry it."

Contrast this conduct with ours, and which will come out with the greatest honour? Which will appear the more becoming, the more moral, the more humane, ay, and I will venture to add, the more Christian? Why, that of the Spanish government, of which it has been said that it is in a state of decay. Sir, I prefer such a decay to our vigour, "although," continues the same merchant,

"This regulation is frequently evaded, by the vessels clearing out for a false destination, does not this manifest, on the part of the Spa-Spanish authorities, respect for the laws of China?"

Again: what is the policy in the Dutch colonies? It appears from a Parliamentary return, that the average annual value of the imports of opium into Java, from the year 1826 to 1841, was 15,598*l.* A gentleman of high commercial standing, recently returned from Batavia, where he has resided for many years, has stated:—

"Not a poppy for the product of opium is permitted to be grown in Java or any other of the Dutch colonies. The Government monopolizes the import, which is from 300 to 400 chests annually, the Dutch East-India Trading Company acting as their agents in purchase and import. Formerly its import for re-export was allowed, but now, since last year, as it led to smuggling, it has been prohibited,"

But the Dutch Government protects its own subjects.

"The opium." (he adds) "is sold to persons being the highest bidders, who farm the sale in different districts, of which there are about twelve. The Government condemns the use of opium, and would profess that they limit the supply for this reason—the native chiefs also are inimical to it. There is no chance whatever of the growth being permitted, even if abandoned by the British, because, among other reasons, the land is occupied with more valuable productions, as coffee, tea, sugar, and indigo."

Next it is asserted that, if Malwa opium were interdicted, a passage through the Company's territories, it would be taken to Demaun and shipped there. In refutation of this opinion, I will read an extract from a letter dated Bombay, September 28, 1840. The writer says:—

"Formerly a considerable portion of the Malwa opium was shipped from Demaun, which is 100 miles north of Bombay. It was taken through Mewar, north of Deesa and Cutch, to Kuratchee, whence it was shipped to Demaun. In 1838, Kuratchee was taken possession of by the British, and as we have possession of all the ports of Scinde, opium cannot reach the sea except by smuggling, which can only be done to a very small extent, as the regular roads are carefully guarded."

The next and last objection which I have to combat is, that the suppression of the opium trade will inflict a severe blow upon the revenue of India, and diminish it without affording any hope of the deficiency being replaced by other means. Until I had been in conversation with persons who are more intimate with the subject than myself, I was not aware that so few financial difficulties stood in the way of the removal of this evil. I will not detain the House by an enumeration of plans. But whatever the obstacles may be, and whatever objections are advanced, I must say with regard to this revenue, what Sir Stamford Raffles said of the Dutch—

"The European Government, overlooking every consideration of feeling and humanity, allows an addition to their finances to outweigh all regard to the ultimate happiness of the country."

The House will surely agree in the sentiments expressed in the protest of Mr. Tucker, a director of the East India Company—

"I must contend that, if a revenue cannot be drawn from such an article as opium, otherwise than by quadrupling the supply, by promoting the use of the drug, and by placing it within the reach of the lower classes of the people, no fiscal consideration can justify our inflicting upon the Malays and Chinese so grievous an evil."

This, Sir, is the statement on which I rely; and while I most sincerely thank the House for the kindness and indulgence with which they have listened to me, I may be allowed, perhaps, to express a hope that those who reply will answer me with facts and statements of equal authority. Now, Sir, let us make the case our own. What would be said, if any other nation were to treat us as we treat the Chinese? What would be said in this country, and what an amount of just indignation would there be in this House, if we were told that French buccaneers were ravaging our coasts, defying our laws, and murdering our fellow-subjects!—Should we venture to act thus towards any other state that was bold enough, and strong enough, to make reprisals upon us? Certainly not. And in admitting this, we admit that our conduct towards the Chinese is governed by our pride and our power, and not by our own estimate of justice. Yet who are the people who receive such treatment at our hands? How are they described by a person who knew them well:—

"I have been a long time in this country, and I have a few words to say in its favour; here we find our persons more effectually protected by laws than in many other parts of the east of the world. In China, a foreigner can go to sleep with his windows open, without being in dread either of his life or property, which are well guarded by a most watchful and excellent police; but both are perilled with little or no protection in many other states: business is conducted with unexampled facility, and in general with singular good faith, though there are of course occasional exceptions, which only the more strikingly bear out my assertion. Neither would I omit the general courtesy of the Chinese in all their intercourse and transactions with foreigners. These, and some other considerations, are the reasons that so many of us so oft revisit this country, and stay in it so long."

Remember that this speech was delivered at Canton before the war in 1839; and that these are the words of Mr. Jardine, a gentleman who was very much mixed up with the transactions which we all of us deplore. Do you know, or are you indifferent to, the opinions and language of foreign nations? Can you take up a single foreign journal, without finding it full of sarcasm and contempt of our conduct and policy? Have you heard the honest, sober, and conscientious opinions of foreign statesmen? Do you value the sentiments of foreign historians? Here is the language of Count Bjornsterna, in his authentic work on the British Empire in the east, a work that is widely circulated on the continent.

"Strictly speaking, the whole trade with India," (says the Count) "rests at present on a highly immoral basis; on 15,000 or 20,000 chests of opium, of the value of 2,000,000*l.* or 3,000,000*l.* sterling, with which the Chinese are every year poisoned. Thus a country which had for thousands of years accumulated the gold of the world, which is destined by nature to bear the finest fruits and the dearest spices which contribute to the enjoyment and refreshment of man, has been compelled in our days to bear a noxious drug, which spreads physical and moral debility among the millions of inhabitants of the celestial empire."

If such accusations as these were unjust, I should altogether despise them; but, knowing that they are richly deserved, they are to my mind absolutely intolerable. Sir, although I may be animadverted upon, and perhaps rebuked for having presumed to handle so important a matter, I shall ever be thankful that I have acted as an instrument to lay this abominable evil before the eye of the public. I shall deeply regret to have given offence to this House, or to any individual; nevertheless, I shall rejoice in the disclosure, and the possible removal, of the mischief. Sir, the condition of this empire does demand a most deep and solemn consideration; within and without, we are hollow and insecure. True, it is, that we wear a certain appearance of power and majesty, but, with one arm resting on the east, and the other on the west, we are in too many instances trampling under foot every moral and religious obligation. I confess I speak most sincerely, though few, perhaps, will agree with me; but I do say—it is in my heart and I will bring it out—if this is to be the course of our future policy; if thus we are to exercise our arts and arms, our science and our superiority of knowledge over the world—if all these are to be turned to the injury and not to the advantage of mankind, I should much prefer that we shrink within the proportions of our public virtue, and descend to the level of a third-rate power. But a great and a noble opportunity is now offered to us, of being just and generous in the height of victory. In such a spirit, and with such an aim, there is hope that we may yet be spared to run a blessed, a useful, and a glorious career; directing all our energies and all our vows—all that we have, and all that we shall receive—to that one great end of human existence, "Glory to God in the highest; on earth peace, goodwill towards men." The noble Lord concluded by moving—

"That it is the opinion of this House, that the continuance of the trade in opium, and the monopoly of its growth in the territories of British India, is destructive of all relations of amity between England and China, injurious to the manufacturing interests of the country by the very serious diminution of legitimate commerce, and utterly inconsistent with the honour and duties of a Christian kingdom; and that steps be taken, as soon as possible, with due regard to the rights of Government and individuals, to abolish the evil."

Mr. *Brotherton* said, he reluctantly intruded himself upon the notice of the House, but he could not refuse to second the resolution of the noble Lord. It was not a party question—it was one of universal interest, and one upon which several petitions had been presented to the House. He believed, that the striking statements made by the noble Lord would produce an extraordinary effect on the public mind, with respect to this most important question; for important it was in a national, moral, humane, and religious point of view. On the decision the House came to, depended the prosperity and happiness of a great portion of the human race. He had not considered the subject in all its bearings, but he believed the object of the motion must be good in its tendency, and promote a friendly relation between this country and the Chinese. It would advance the commerce of this country, promote peace and good will amongst men, and remove a stain which he believed still remained upon the nation. It was, therefore, worthy of the serious attention of the House. It only remained for them to consider the principles which they should regard in a discussion of this sort. The noble Lord had quoted the opinions of Lord Ellenborough and other eminent men; and what he cited forcibly reminded him (Mr. Brotherton) of an observation made by Mr. Fox—

"What is morally wrong, can never be politically right."

He could not see how the opium trade could be considered as any other than a great moral evil, or what right the East-India Company, or any other body, had to spread a poison amongst a people, which was calculated to produce disease, immorality, crime, and death. He traced the evil to the monopoly of the East-India Company, who had power to increase or to suppress it as they pleased. 40,000 chests of opium were every year produced and forced upon the Chinese in a manner which could not be justified. It was delivered to the Company's servants, who made a profit by it and disposed of it to the merchants; and, although the East India Company did not trade in opium themselves, they permitted the merchants to traffic in it, and they connived at all the means adopted to enforce it upon the Chinese. We could never be justified in sanctioning such a system as that. Although it was said, that the support of the poppy trade brought 1,250,000*l.* to the Indian revenue, he could not conceive that any fiscal advantages would justify the trade. But it was not unusual for persons to defend that which served their pecuniary interests. He remembered, that when it was attempted to abolish the slave-trade, the people of Liverpool said, the result would be the ruin of the place, which would afterwards be frequented only by a few fishing boats, and that in fact it would become depopulated, a fear that had not been realized. So with regard to State lotteries, it was argued that their abolition would be injurious to the country, but it had not proved so. The noble Lord, on the contrary, had shown that in proportion as our trade in opium had increased, so had our trade in cotton and other manufactured goods diminished; and it must be clear to every man of common sense that if the amount of all the silk and teas we received from China was more than the amount of opium sent thither, the balance of trade must be against us. How, then, could we expect them to take our manufactures? Seeing the manner in which the opium was conveyed—seeing the manner in which the importation was resisted, he did beg of the House, for the sake of the people of India and China—for the sake of our own people—for the sake of British commerce, and for the advancement of justice and humanity, to put a stop to this iniquitous trade. But he would not enter into details. The noble Lord had indeed exhausted the subject, and it was only left for him to say, that he gave the motion his cordial support.

Mr. *W. Bingham Baring* should feel, he said, great difficulty in addressing the House upon this occasion, if he thought the arguments and the statements of the noble Lord were only to be met by casuistry. He was far from wishing to deny that great and palpable evils had arisen from this traffic; but, allowing that there was good foundation for much that the noble Lord had advanced, he was still prepared to contend that there had been great exaggerations of those evils, and he was further ready to declare, that if he could believe them to admit of the easy remedy proposed, and if he could suppose, that the East India Company offered the only impediment to the application of that remedy—in that case he would not remain one minute in his office, subordinate as it was, without declaring himself willing to lend the noble Lord every possible assistance. But to proceed to the arguments the noble Lord had used. In the first place, he had stated, that the cultivation of opium in India might be easily put down. Now, he (Mr. Baring) feared, that that was an erroneous assumption. How could it be put down? At the present time the Mahomedan population of British India made use of opium as the only stimulant their religion permitted. There was no prohibition of its use, and it was impossible to prevent them from using it, grown as it was in Malwa and other territories, from which no power we could raise—no system we could establish—could prevent its circulation. It must be recollected, that we had already attempted to put down the cultivation in Malwa. That attempt, however, had proved unsuccessful. On the cessation of disturbances in British India, when peace was restored, and the people were enabled to return to their ordinary pursuits, then, in spite of the negotiations and remonstrances of the supreme courts, the growth was carried on by the independent states to such an extent, as to create a danger of the production of the drug at a reduced rate, and of its introduction by smugglers into other parts of the peninsula. In order to avoid such an evil, and in some sort to control the cultivation, the company attempted to form treaties with the native chiefs. In some cases they succeeded in this endeavour, but in other instances they were not enabled to obtain the concurrence of the chiefs. A system of smuggling then commenced. Armed bands arose—men accustomed to follow any leader, or to place their swords at the disposal of any party giving them employment, in accordance with the custom of their fathers and forefathers, they were willing to lend their aid to those who would pay them. It was Sir C. Metcalfe, who, finding that we were about to create another Pindaree warfare, advised the Government to yield, told them that they would not be successful, and, in lieu of suppressing the cultivation, induced them to establish an export duty, which should be fixed as high as possible. From this it was evident, that the company had made every effort to put down smuggling, and had yielded only to an absolute necessity. If we attempted to take the same course now, smuggling would be revived, and we should soon find that we were no more successful in India, than the emperor of China is in his dominions. But, having shown the impossibility of suppressing the cultivation in Malwa, he would beg to ask the hon. Gentleman how he thought it could be suppressed in the territory under our own control? To the Mahomedans in our territories opium was as necessary as wine and spirits were to our own population. They would have it, and the only way of checking its consumption would be to raise a host of excise and customs' authorities, whom it would be perfectly impossible to maintain in authority in India. The House must remember, that in India the population had no feeling with us, but, on the contrary, every disposition to thwart our rule. In many districts of large extent the only persons to support our interests were a collector, and at most deputy-collector, with a magistrate perhaps and his deputy; and could it be supposed, that these unsupported could be able to maintain our sway? But, even supposing they were successful in upholding our authority, what would be the consequence? Would the population be saved from the evils now made the subject of complaint? Why, there were other drugs in India infinitely more prejudicial to physical health and energy than opium. There was an exhalation of the hemp plant, easily collected at certain seasons, which was in every way much more injurious than the juice of the poppy; indeed, when a suggestion was once made to stop the cultivation of opium in Assam, it was suggested that the population of that territory would in such case have recourse to other stimulants, and that the second condition of the people would be worse than the first. But the noble Lord had argued, that the poppy was raised with injury to the ryots—that they were shamefully treated by those who had authority over them. Now, he feared, that it was not only those engaged in the cultivation of the poppy who were oppressed by the native officers, and it was in other remedies than the prohibition of poppy cultivation that would lie the real relief from such grievances as these. But then, the noble Lord complained, that the Government made advances for the promotion of the cultivation. Now, why were those advances made? Simply because prepayment was the best and cheapest mode of making a payment, and because, if there were not a payment in advance, the cultivator would be less independent of his landlord. "Oh, but," said the noble Lord, "your monopoly is extending the cultivation through the length and breadth of the land." Now, if this were the case, this particular monopoly was widely different in its effect from most other monopolies, for generally the tendency of a monopoly was to limit cultivation. If the noble Lord would examine the report for 1832, he would find there a suggestion for the abolition of the monopoly. But on what ground, let him ask, was that suggestion made? Was it made with any views similar to those of the noble Lord? Certainly not: the report was wholly based on commercial considerations; those who drew it up considered that the monopoly enhanced the price of production, and for the purpose, not of limiting, but of extending the sale, they had suggested this important alteration. That this was a right interpretation was clear from the recorded expressions of Mr. Holt Mackenzie, a gentleman whose opinion had great weight with the committee on that occasion. Mr. Mackenzie wholly dealt with the matter on commercial considerations, arguing in favour of opening the trade, on the ground that a cheap and abundant supply would be the consequence. In fact, there could be little doubt, that to throw open the cultivation would have the effect, not only of extending that cultivation and the general consumption, but also would operate as an incitement to the baneful and lawless proceedings of the smuggler. The noble Lord had suggested no measures by which the Government would be enabled to guard the coast of China, with the view of preventing the introduction of opium into that country. Were this country to send out to China a powerful navy, assisted by steamers and aided by all the officials of China, he (Mr. B. Baring) would defy them to put a stop to those scenes of rapine and disorder which would inevitably occur on the coast of China, were the attempt made to put a stop to the trade. The only remedy for the evil complained of was for the emperor of China to legalise the trade. There was reason to suppose that the next despatches from that country might bring the intelligence, that the trade in opium had been legalised. Should such be the fact, then it would be unnecessary to affirm the first proposition of the noble Lord, to the effect, that the monopoly of the growth of opium in the territories of British India was destructive of all relations of amity between England and China. The truth of the noble Lord's proposition was contingent upon the failure of the negotiations now going on with the emperor of China for legalising the trade. No course could be adopted until that question was settled, as to the second proposition of the noble Lord, that the trade of opium was injurious to the manufacturing interests, by the very serious diminution of legitimate commerce, he doubted whether the House would venture upon such an assertion. It was true, that our imports from China were purchased with opium instead of manufactures, but how was that opium purchased. The noble Lord would find, that our exports to India had increased with the exportation of opium from India. But even if this were not so, what right should we have to drive the Hindoo from competing with us in fair commercial rivalry in the ports of China; and in how far would it be consistent with the honour and duties of a Christian kingdom, to put down this competition, this fair and equal competition of trade by the exertion of our supremacy over a subject race. With these objections therefore to both the propositions of the resolution of the noble Lord, he could not give them his support, but rather than meet them with a direct negative he would take a course more respectful towards the noble Lord—more consonant with the feelings of the House—more compatible with the general disinclination of the House to affirm abstract resolutions. He should therefore conclude by moving the previous question.

The motion and the amendment having been put,

Sir *George Staunton* said,* Sir, before I enter into the immediate subject of the motion, I am anxious to guard myself against any misconstruction, in respect to the claims of those persons who surrendered their opium to Captain Elliott, for the purpose of being delivered up to the Chinese government. However pernicious and impolitic the traffic in opium may be, and whatever opinion this House may pronounce to-night against its further continuance, we ought to recollect that these persons engaged in this traffic under the full sanction, and indeed encouragement, both of the Indian and the home Government; that they were deprived of their property by an act of violent and unjustifiable outrage on the part of the Chinese authorities; and that they received, at the same time, from her Majesty's Superintendent of Trade, on behalf of the Government, a distinct and specific pledge of reimbursement. I think, therefore, whatever may be the fate of the present motion, these individuals are clearly entitled to full, fair, and entire indemnification for their losses. If the question now before the House had not been so peculiarly connected, as it is, with our existing relations with China; had it been solely based on those great religious and moral considerations of a general nature which my noble Friend has submitted to the House with so much force and ability; although I should still have given the motion, as I shall now do, my most cordial support, I should probably have contented myself with a silent vote. At the same time, I am certainly not insensible to the importance of these considerations, I think, that if we were to treat them with levity and indifference; if we were to deal with the great questions of commerce and finance that come before us, only as matters of pounds, shillings, and pence, without any regard to the moral feelings and moral condition of those, at home or abroad, who are affected by them, we should ill represent the feelings and wishes of our constituents. I know that the bearing of these moral and religious considerations upon this question has been denied. A supposed analogy has been drawn between the consumption of opium and that of ardent spirits; and it has been argued that, because we cannot control abuses in the one case, we ought not to attempt to do so in the other. I think, however, that this analogy is altogether fallacious. I see no analogy whatever between excess in the use of articles in daily and beneficial consumption, and the perversion to the purposes of vicious luxury, of a poison, the legitimate use of which is exclusively medicinal. I do not, however, wish to dwell on this branch of the subject. My main object in rising, is to address myself to the great practical question, how far the countenance now given to the growth and cultivation of opium in British India, and to its exportation to China on a large scale, under the British flag, is compatible with the preservation of the peace happily re-established between the two countries. I am deeply impressed with the conviction, founded both on my experience when in China, and on a full consideration since, of subsequent events, that the real issue which we are about to decide, is, whether the vast and various interests involved in our friendly relations with China, shall be preserved and improved to an extent of which it is not easy to assign the limits; or whether the peace now existing shall be converted into a hollow truce, and probably, within a few months changed into a sanguinary war, of which no man can undertake to foretell the length or the result! Entertaining these sentiments, I think I should not be doing my duty if I did not endeavour, however imperfectly, to state the grounds of my opinions to the House. I do not disguise from myself that the question is attended with difficulties; but when such great interests are at stake, I think we are bound to grapple with them. The House has heard a good deal about the revenue which is hazarded by the adoption of my noble Friend's motion; it should also hear something of the nature and extent of those great interests which the adoption of his motion will tend to maintain and preserve. I trust, therefore, I shall not be deemed to depart from the question if I dwell, in some detail, upon those interests. I need not say much regarding the advantages we derived from our position in China previous to the war. It is well known that we had long derived from China exclusively, our supply of the article of tea; that the China trade had yielded an annual revenue to the Exchequer of nearly four millions sterling, and that, even under the much reprobated monopoly of the East India Company, it was the medium by which the disposal was effected of above a million sterling in value of the manufactures and productions of this country. It is true, as observed by the hon. Member who preceded me, that this large export of British produce was effected at a considerable sacrifice on the part of the East India Company, and that the amount fell off under the free-trade system. But this only shows that the impulse thus given by the East India Company to our exports to China may be considered to have been a part of the price they paid for the enjoyment of their monopoly. The advantageous commerce which we had thus enjoyed in China was, however, certainly subjected to some considerable drawbacks, which were viewed, at the time, in a very serious light by many persons; and there were some who were desirous even that a temporary interruption might take place in our relations with China, with a view to effect their removal. This was very much the opinion of the mercantile community, upon the case of the unfortunate Lord Napier; but the *ultima ratio* of war is so tremendous an evil, that nothing but an overwhelming necessity can justify it, and I did the utmost in my power at that time to dissuade from a recourse to hostilities. The greatest, perhaps, of these drawbacks was the confinement of our trade to a single port in China, and that port the least advantageous as regards the wants of our trade; for the province of Canton does not produce the tea which we consume; every chest of the tea we consume has been hitherto conveyed to Canton on men's shoulders over a high chain of mountains; thus, of course, increasing considerably the expense of exportation. Mr. Ball, a gentleman long resident in the Company's service in China, (to whose sagacity this country is certainly indebted for the discovery of the superior advantages of the port of Fou-cheou-foo,) has calculated the annual loss to us, on one single description of tea, from this circuitous conveyance, at upwards of 150,000*l.* Another objection to Canton arose from its being the southernmost port of China, so that our woollen manufactures had to be sent a long distance by land to the northern provinces, where they were most in demand. We are now, however, admitted to four other of the finest ports in China, and in the central and richest parts of the empire. The next drawback of which we had to complain, and it was a very serious one, was the frequent occurrence of disputes and occasionally the entire suspension of the commercial intercourse, whenever any of our countrymen were unfortunately guilty of homicide. In these cases, the guilty were often obliged to be protected, to avoid the risk of sacrificing a possibly innocent person, by surrendering him to the native tribunals, where a fair and impartial trial was not to be expected. This embarrassing dilemma has been happily removed. In one of the lately published imperial edicts, the emperor declares that, in future, Chinese subjects committing offences shall be tried by a Chinese tribunal, and that British subjects committing offences shall be tried by a British tribunal. A more important and satisfactory concession, with a view to the future peace and security of the trade, can hardly be imagined. But I am anxious to take this opportunity of drawing the attention of her Majesty's Government to the fact, that unless this concession on the part of the Chinese authorities receives early confirmation and assistance from the British Legislature, it will be of little or no advantage. I trust that the present Session will not be allowed to pass over without the adoption of those measures which the pressing necessity of the case evidently requires. If the matter is postponed till next year, on the plea that the formal ratification of the treaty cannot reach England before the prorogation, the new powers which can only be given by Parliament, and which will be requisite to give effect to the concessions of the Chinese authorities, will not reach China till July, 1844, and a state of anarchy, of Lynch law, or of no law at all, will arise in our newly-planted factories, and continue there for no less than fifteen months. The result would probably be, if not absolutely a renewal of the war, at least collisions of the most deplorable nature. Another drawback to which I would advert, is the fact of the trade having little or no security for justice and fair dealing to appeal to, beyond that of prescription. Our merchants were only tolerated in China—admitted upon sufferance. This defect is now happily removed; and, upon all disputed questions, our merchants will, in future, be enabled to appeal to the articles of a public and solemn treaty, sanctioned by the highest authority in the state. The last drawback which I need mention is the degrading position in which our merchants and our trade have been sometimes placed by the insults of the people and the oppressions of the Mandarins. On this matter, I think there may exist some misconception. It is undoubtedly true that, in the official style of the Government, very arrogant language was often employed, and foreigners were frequently described as if they were really an inferior race. The trade was also sometimes certainly subjected to vexatious interruptions and obstructions. But it is generally admitted by most persons who have been engaged in the China trade, that it was carried on, upon the whole, with great practical facility. I can also say, for myself, that, as far as personal annoyance is in question, I have experienced a more vexatious interference with personal comforts from the police-officers and passport-officers of the Continent of Europe than I ever experienced from the officers and mandarins of the Emperor of China! There was, nevertheless, certainly room for improvement in the conduct of the Chinese towards foreigners; and, as the treaty stipulates for the intercourse between the officers of the two nations being conducted upon honourable and equal terms, it may be hoped that some improvement will be experienced. But with respect to the insults which foreigners occasionally experienced from the populace, I apprehend the cure of this evil must chiefly depend upon our own conduct. We have long been unpopular at Canton, and that unpopularity has latterly increased to a degree of animosity almost amounting to intense hatred; of which we have had a lamentable instance in the recent destruction of several of the British factories, and the plunder of large sums of treasure by the mob. This state of things, from whatever cause it may originate, is a great misfortune, and it is very consolatory, that our trade is now no longer confined to the spot where we have to encounter so much enmity, but extended to four other ports, where the most favourable disposition towards us has been exhibited, and which good disposition, if not forfeited by our own fault, I have no doubt will be preserved and increased. Our present great commercial advantages in China, which I have, perhaps, detailed at too much length, have been obtained by the vigorous employment of our united sea and land forces in the proper quarter, and with the advantage, I must say, of considerable good fortune; for a single untoward casualty, either on land, or in that unexplored navigation, might have marred the whole campaign. We were also fortunate, not only in what we accomplished, but in what we did not accomplish; we did not subvert the complicated and ancient fabric of the Chinese government; we did not spread anarchy and confusion over its fine provinces. We subdued the government to that extent only which was requisite to dispose it to make the necessary reparation for the injuries which we had received, and to grant to us those commercial concessions which, I doubt not, will prove as beneficial to them as to ourselves. It has been my fortune to have twice travelled through the interior of that great empire, and my official position gave me opportunities of communicating freely with the natives of all ranks. From all that I heard and saw, I cannot conceive any people with whom an extensive commercial connection is likely to prove more advantageous to this country. They possess the sagacity to appreciate the practical advantages to be derived from our improvements and discoveries, and they are not tied down, or precluded from their adoption by any distinctions of caste, or religious prejudices. Every one who has read the recent valuable work of our late superintendent in China, Mr. Davis, a gentleman whose talents and experience give him great authority, will, I think, draw the same conclusions that I have done respecting the general character of the Chinese people. I would now appeal to the House, and to every individual Member who hears me, whether it is wise and politic to throw away, or at least put to the greatest hazard, all the various advantages which are apparently opening upon this country through our improved intercourse with China, for the sake of propping up a monopoly in the growth and export of opium, which is disgraceful in itself, discreditable to us as a nation, and which, whether we give it up at present or not, it is obvious cannot very long be retained in our hands! I have already said, that I feel confident that our friendly relations with China cannot long co-exist with a large smuggling trade in opium on the coast of China under the British flag. This fact appears to me fully established by a review of past events. When I addressed the House in 1840, on the occasion of the motion of the right hon. Baronet, the Member for Dorchester, I certainly maintained the abstract justice, as well as the practical expediency of the war with China, in which we were then about to engage. I contended, that no act of smuggling which might have been committed by ships or individuals on the coasts of China could justify, or even palliate, the acts of outrage and violence committed by the Chinese authorities upon the whole British community at the port, and that, therefore, it was absolutely necessary to maintain our honour and interests in China, by a demand of ample reparation, supported by an adequate force. But I never denied the fact, that if there had been no opium-smuggling, there would have been no war. Even if the opium traffic had been permitted to run its natural course: if it had not received an extraordinary impulse from the measures taken by the East-India Company to promote its growth, which almost suddenly quadrupled the supply, I believe it never would have excited that extraordinary alarm in the Chinese authorities, which betrayed them into the adoption of a sort of *coup d'état* for its suppression. But it is said, that whatever may have been the former views of the Chinese government on the subject of the opium trade, they are now inclined to view the matter in a very different light. They are at length said to be aware that they cannot suppress it, and are therefore going to legalize it, on the single proviso, that it does not conduce to their main objection, the "oozing out of the sycee silver." I entirely deny all these propositions. In point of fact, it is well known, that the Chinese authorities could and did stop the traffic effectually for four months previous to the seizure of the opium; that there was not a single chest sold for the whole of that period. When it is recollected that this was done by the Chinese, without the aid of any discouragement of the traffic on our part, I cannot help being sanguine in expecting, that if the House were to support the resolutions of my noble Friend, and measures were taken conformably to these resolutions, it would be found quite practicable to put down the opium trade on the Chinese coasts altogether. As to the chance of the Emperor being prevailed on to legalize the trade, the only authority I find for this expectation is a letter from Sir Henry Pottinger to the British merchants, in which he says he has a "faint hope," only a faint hope, he admits, of obtaining such a concession, restricted however to cases of barter, and of course under a duty. It was no doubt very natural that Sir Henry Pottinger should desire to obtain such a concession, but can any man suppose that the legalizing of opium for barter, and under duties more or less heavy, would prevent smuggling? Even if I believed that such legalization had actually taken place, I should not be at all shaken in my confidence, either in the policy or the wisdom of my noble Friend's motion. But I believe the fact to be, that this traffic neither has been, or ever will be, legalized in China. In proof of this, I beg to read to the House a short extract from a letter I have received from Mr. Thom, our acting Consul at Canton, dated in that city on the 24th of December last. Mr. Thom says,—

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* From a corrected report.

> "The opium question is left in statu quo, and may yet cause trouble. In England we might set such a subject at rest by legalizing

the drug, seeing that better could not be done; but not so in China. If the Emperor, after having opposed the introduction of opium with all his strength, after having stigmatized it as a poison, and cut off the heads of great numbers of people for selling it, and even for smoking it, were now to turn round and make it a Government monopoly, and set himself up as the principal vendor and encourager of the evil, I do not think he would be a month longer on his throne. The Emperor may wink at its being smuggled, but I do not think he can ever legalize it: and while it thus continues to be a prohibited article, it puts our friendly relations in jeopardy every hour."

This is the opinion of a gentleman who has been connected with one of the principal mercantile houses in China, who is well acquainted with the language and literature of the Chinese, and has recently been selected by Sir Henry Pottinger to fill a very important post. I think the House will agree with me that his opinion is no mean authority on the point in question. As to the "oozing out of the sycee silver," there can be no doubt that the sudden drain of four millions sterling upon the currency of China, did produce, as it would do in any other country, a great sensation, and occasioned great inconvenience, from the derangement in the prices of articles and the value of money; but it ought to be recollected that the introduction of opium had been declared contraband for more than forty years before the "oozing out of the silver" was thought of, and very severe measures had been occasionally enforced for its suppression. It is, therefore, I think, a great mistake to suppose that the preserving the silver is the main object, or that the Chinese have at all abandoned their original moral ground of the prohibition of the trade. This is stated very distinctly in the following extract from a remarkable letter, from one of the Chinese Ministers of State, to Sir Henry Pottinger, dated the 27th of July last, containing the first overtures for peace, and in language throughout studiously conciliatory, but yet retracting nothing of the original principle laid down as to opium:—

"We have been united, by a friendly commercial intercourse, for two hundred years. How, then, at this time, are our old relations so suddenly changed, so as to be the cause of a national quarrel? It arose, most assuredly, from the spreading opium poison. Opium is neither pulse nor grain, and yet multitudes of our Chinese subjects consume it, wasting their property and destroying their lives; and the calamities arising therefrom are unutterable. How is it possible for us to refrain from forbidding our people to use it?"

In the state paper, from which the above is an extract, we have the sentiments of the Chinese authorities, down to the very period at which the treaty was under negotiation; and I think it must be at least conceded, that, under these circumstances, it will not be worthy of this country, nor consistent with our professions of a desire to preserve peace, if we sanction, directly or indirectly, the actual smuggling of opium into China. Our Consuls at the five ports, will therefore, no doubt, be instructed, as laid down in *Beawes' Lex Mercatoria*, (the best authority, I believe, on the duties of Consuls, according to the received principles of the law of nations,) "to take especial notice of all prohibitions and admonish all British subjects against carrying on an illicit commerce, to the detriment or the violation of the laws of his own country, or the country in which he resides." The select committee of the East India Company in China, exercising consular powers by Act of Parliament, always acted strictly on these principles in respect to the opium trade, while I had the honour of being in charge of their affairs. So confident were the Chinese authorities that the servants of the Company acted, in this respect, with perfect good faith, that no participation in, or sanction of, the trade was ever imputed to them, nor any injuries sustained through the traffic by the legitimate commerce of their employers. If we act upon these principles, as we unquestionably are bound to do in any country with which we have amicable relations, we must go a step further, or we shall act very inconsistently. We certainly cannot consistently allow the drug to be entered at our custom-houses at Bombay, Madras, or Calcutta, for shipment for the Five ports, neither can we allow it to be shipped from our ports for the island of Hong Kong. It may be said, indeed, that Hong Kong is a free port; still if we were to allow it to be made a mart for the reception and housing of opium, considering that the island is but one mile from the Chinese coast, how could we deny that we, in effect, gave the smuggling of opium our sanction. The evil consequences of such smuggling are fully admitted, even in the island of Hong Kong itself, for I see in the *Hong Kong Gazette*, of the 15th of December, it is remarked, that if the opium trade is not legalized a rupture in a few months appears inevitable. That is to say, if the Emperor did not legalize the drug, and the smuggling system was nevertheless persisted in, war would be the result. What will then be the effect of your measures? If they are successful in putting down the smuggling of opium into China, you have destroyed your opium revenue as effectually as if you had rooted out the poppy in India. Unless the opium can be sold in China, it can of course yield no revenue from its export to that country. If the smuggling is not put down, you will still have lost part of your revenue from opium, by throwing difficulties in the way of its disposal in China, and you will have lost (according to the writer in the *Hong Kong Gazette*) the whole of your China trade. The only sure and consistent course, therefore, I believe to be that which is recommended by my noble Friend in his motion, namely, to take steps simultaneously, both to check the trade and to check the cultivation, as far as is consistent with the rights of Governments and individuals. The objections chiefly relied on to this course, appear to be, that it would be unjust to our own subjects in India to refuse to allow them to cultivate the poppy; that beyond the limits of our dominions, it is not in our power to put down the cultivation; and lastly and principally, that we cannot afford to lose the revenue. The answer is, that, in the first place, it is well known it is only by means of the advances made to the ryots by the Company that the cultivation is carried on at all, and that no one undertakes it on his own unaided resources. If the Company desire to put it down, no unjust interference need take place; they have only to withhold the advances. The Company has not, of course, the same power of controul beyond its frontiers, but they will at least be able, in a great degree, to prevent the passage of the opium through their own territories, from the place of its growth to the sea. If we cannot do every thing we should at least do all in our power. We could certainly be able materially to reduce the produce, even if entire suppression prove impossible. With regard to the difficulty and inconvenience of interfering with so large a portion of the Indian revenue, it must at once be admitted that is the strongest and most plausible argument against the motion. But even here we have very high authorities in our favour—authorities who certainly cannot be suspected of bias against the Company. First, even if the loss were to be conceded to be as great as apprehended, the Directors have never professed, and I am sure would be far from wishing, to place the interests of the Company in contradistinction to those of the empire at large, or in opposition to considerations of a high moral nature. My noble Friend has already quoted the declaration of the Court of Directors as a body, that they would put down the consumption of opium altogether if they could (except as a medicine), in compassion to mankind. He has quoted also the dissent of Mr. St. George Tucker, a director of the highest authority for character and talents, who has held the high and responsible office of chairman of that body, that he did not consider any fiscal objects would justify the infliction of such an evil as the general diffusion of opium amongst the Chinese and Malays, by means of our monopoly. In addition to these authorities, I beg to quote that of Sir Charles Forbes, who was well known as a very high authority on all Indian affairs, when formerly a Member of this House. In the following answer to a question put to him in committee of the House of Commons, he expressed a decided opinion that the opium monopoly might be abolished, not only without loss, but with probable advantage.

"Do you conceive that it would be possible, in any other way than by monopoly, to raise, as was raised in 1829 and 1830, 1,931,000*l.* from salt, and 1,757,000*l.* from opium?—I think it might be raised, in due time, to perhaps as large, if not a larger amount, through a much less objectionable medium, through the medium of increased and increasing revenues and customs, upon an increased and flourishing trade, carried on by an improved and improving population, having perfect confidence that they would in no way be interfered with by the company in their operations, either agricultural or commercial; and that, under such a system, if happily it shall be introduced, the prosperity of India would rise to a degree incalculable, and consequently in every way tend to the advantage as well as the credit of its rulers."—*Parliamentary Papers on Opium*, p. 46.

I must beg here to remark, that the motion of the noble Lord pledges the House to no specific measures, it only indicates their tendency, namely, "that steps should be taken, as soon as possible, with due regard to the rights of governments and individuals, to abolish the evil." This, in fact, goes but little beyond the terms of the declaration of the Court of Directors, on the 24th of October, 1817, that "were it possible to prevent the use of the drug altogether, (except strictly for the purpose of medicine,) they would gladly do it, in compassion to mankind," and that they would "endeavour to regulate and palliate an evil which cannot be eradicated." But if any Member objects to the terms of the motion, as too stringent and positive, I hope he will move an amendment embodying his views, and I shall be most happy to give my assistance in support of it, provided it carries out the principle. I am, indeed, most anxious that something should now be done towards discountenancing and putting down the traffic in opium, with a view to the security of our present friendly relations with China. I am anxious that this should be done before it be too late—before our relations with China are again interrupted. The time, I conceive, will soon arrive, when Government will feel itself compelled to declare the opium trade so mischievous, that it must, at any cost, be put down; but, looking to the great evil hazarded by delay, I trust that the Government will recollect the homely proverb that "prevention is better than cure." I have all along admitted the difficulties that surround this case. The downward course which we have too long followed of spreading the opium poison throughout the East has been comparatively easy. It is, no doubt, much less easy to retrace our steps—

> "Facilis descensus averni;
> Sed revocare gradum, superasque evadere ad auras
> Hoc opus, hic labor est."

Whatever the difficulties may be, I conceive it to be our duty to make the attempt to surmount them. I trust my noble Friend will not be discouraged by any want of success his motion may be destined to meet this night; and that he will remember that his illustrious predecessor, Mr. Wilberforce, when he first advocated the abolition of the slave-trade, met, in the outset, a still more determined opposition, and yet persevered, and lived to see (as I trust my noble Friend will do) the complete triumph of his principles. I beg to thank the House for the attention it has afforded me, and to give my cordial support to the motion.

Lord *Jocelyn* said he regretted that he felt it impossible to support the motion at present before the House; and the more so, because he was well aware that it originated from an anxious desire to disconnect this country from a trade generally considered disgraceful, and to put a stop to a traffic, the effects of which had proved most baneful and demoralizing to the people of China. Having paid the utmost attention to the speech of his noble Friend, and the arguments which he had adduced in favour of this motion, he must acknowledge that they had called to his recollection scenes which he had witnessed of the lawless character of the trade, and in all that his noble Friend had stated as to the moral, political, and physical evils he concurred. If he could bring himself to believe that an enactment framed upon this motion would check the evil,—if he could imagine that by legislation we could abolish a trade derogatory to the character of this country, because tending to the degradation of the human species, he would not hesitate to give it his support; but when, on the contrary, he believed it would have an entirely opposite tendency, he thought he should be acting worse than foolishly, because against the dictates of his own conscience, to support a motion which must necessarily engender measures pregnant with evils, unless he was satisfied that some counteracting good would ensue. The line which he took in opposing the motion was from no wish to encourage those engaged in the opium trade, nor to support the improper and illegal manner in which that trade was carried on; neither had he any desire to palliate the moral and physical evils which necessarily followed too great an indulgence in the use of the drug. All these evils he admitted and acknowledged. He had had personal evidence of the truth. He could state to the House the lawless manner in which armed vessels prowled around the coast of China, laden with their baneful cargoes, ready to defend themselves against the government whose laws they were there to infringe. He could bring forward instances of individuals who were pointed out to him as once intelligent and healthy, with their mental and physical faculties destroyed by the too great indulgence of a depraved appetite; but he would not trouble the House with these details. We had too many instances of the same kind in this country; for the gin-drinker in this Christian land was equally as great an object as the opium smoker in China. In the object of the motion, he fully agreed with his noble Friend; it was in the remedy they differed. Acknowledging and deploring these evils, since he believed it to be wholly impossible to abolish them, he would not part with what he considered to be a check. Although no friend to monopolies in general, he would yet support the continuance of this. He opposed the abolition of the present monopoly of the growth of opium in British India upon two grounds; first, because he believed it would tend to increase production, and thereby increase the evils; and secondly, because he considered it must conduce to measures which would tend to encourage smuggling to a frightful, uncontrollable, and demoralizing extent. If these were merely his own opinions, they would be unworthy the attention of this House; but they were founded upon the evidence and statements of servants of the Indian government, whose knowledge of the character of the people, the localities of the country, and acquaintance with the details of government, made them worthy of credence. The monopoly of the growth of opium in British India, which the Government enjoyed, invested them with a power of limiting the production within the necessary demand. He acknowledged the correctness of the statement of his noble Friend, that the Indian government had within the last few years stimulated production to a great extent, but he denied that it had been for the purpose of creating new or fresh markets. It had been for the purpose of meeting the increased demands of the Chinese; they had stimulated cultivation, because they found a ready market for all that India could produce. Previous to the competition between the monopoly opium and that grown in the independent states, it had been the policy of the Indian government (viewing opium merely as a matter of revenue) to produce as large a revenue with as small a production as possible. The competition which had since taken place had obliged the government to increase the cultivation to enable them to compete with the native states; but he would ask his noble Friend, had the increased production diminished prices at Bengal? At certain periods he would allow that it had, when hostilities and a probability of a stoppage of all trade seemed likely to ensue, but only at such periods of political excitement. Hitherto the price of opium had been maintained at such a height as to render it inaccessible as an article of general consumption amongst the native populations of India. It is not that their tastes differed from other eastern people, for it was well known, that whenever they had the means of obtaining it, it was their daily food, as in Guzerat and Rajpootana; it was, that their means were inadequate to become purchasers. The government knew and feared the evils of an abuse of opium within the British dominions, they therefore kept the price as high as possible; they had a selfish interest at stake, as well as a natural wish for the welfare of those whom they governed. But he feared this would not be the case if the cultivation was thrown open to speculation; there would be no paternal feelings of this nature to check production; a selfish feeling would exist, which would induce them to encourage new markets. Their great object would be successful competition and gain. He feared that this new demand would ere long be found in British India, and then the same evils, only to a greater extent, would arise, which they were now deploring in China. This he considered the strongest argument in favour of this monopoly, for he believed it to be no small advantage for the welfare of India, that the Government should have the power of checking the production, and keeping it from general consumption by the natives of Hindostan. In that opinion he was strengthened by the evidence of the servants of the East-India Company, and of persons of no small note in their employment, and who had practical knowledge of the working of the monoply. Mr. Fleming, a civil servant of the East-India Company, in a letter to the Government in 1832 on the revenue administration of India, amongst other reasons which he stated in favour of the monopoly, made use of the following expressions:—

> "The monopoly being in some measure discouraging the internal consumption of a drug so pernicious as opium is surely a rational object of policy."

Thomas Fortescue, another civil servant of the Government, in answer to the following query before the committee in 1842—namely, to submit observations on the system of levying revenue from opium, replied:—

> "The monopoly of opium is in some re

> spects not objectionable, as restraining the excessive use of opium, to which all the people of the East are so much addicted."

Another argument that had been brought forward by his noble Friend for the abolition of the monopoly was the dislike that the ryots employed in its production have to the cultivation. His noble Friend states, that although nominally not compelled to cultivate against their wishes, yet that was not really the case; and they were so in fact. But he could bring evidence equally good as that which his noble Friend produced to prove the contrary. Mr. Fleming, the gentleman whom he had before quoted, and who was employed in the management of the opium cultivation the last few years of his residence in India, stated—

> "I have reason to believe that the cultivators are as well paid as any trade could afford; that is, if a tax was levied likely to produce a revenue equal to that now realized by the drug."

He likewise stated, that the cultivators were at liberty to enter into engagements with the opium agent and his deputies. It followed, that the culture would rapidly decrease if it was not profitable. Mr. Langford Kennedy said, in speaking of the proposed change from a monopoly to an excise duty—

> "The ryots would not approve of the change as far as oppression went. They would make more money by speculations under a change of system, but they would not be treated so well. It is impossible to legislate without taking into consideration the revenue of the country."

He must likewise add, that if a traveller's eyes might be depended upon, the ryots in the poppy-growing districts in India were apparently more comfortable and in better circumstances than the generality of the cultivators of other produce that he had seen. It was impossible in legislating, however philanthropic the motives, entirely to forget the revenue of the country for which you were enacting laws, and he should put it to hon. Members to say, more particularly those whose attention had been turned to the late debates upon Indian subjects, whether the condition of the Indian finances was so flourishing as to justify an experiment with a revenue of upwards of a million per annum? He acknowledged, that his noble Friend had promised in other ways to make good the deficiency; but, as all men were liable to err in their calculations, and as this was a deficiency which must be made up, should even these expectations fail, he would ask him whether he would propose, in such a case, for the sake of sympathy towards the people of China, to tax the already overburthened people of Hindostan to make good this deficiency? He thought that he could answer that such a proposal he would never for a moment admit of. Then the only method to make good this deficiency would be the imposition of an excise duty, such as was imposed upon hops and productions of the same kind in this country; but he doubted whether great difficulties would not arise; at least, such was the opinion of many persons who underwent examination before the committee at the renewal of the last charter. If the duty imposed should be too low to meet the deficiency, it would require increased production, and a fair calculation might be formed of the necessary increase, by comparing the quantity of the monopoly drug exported from Bengal, and the quantity of the Malwa opium, paying the transit or pass duty exported from Bombay; and he thought it would be found, although the quantities were nearly equal, the revenue derived from the (Patna and Behar) monopoly opium was nearly treble that which paid the duty from Bombay. If, on the other hand, a high duty was imposed, it must necessarily induce smuggling to a fearful and ungovernable extent. A severe lesson had already been taught the Indian government of the effects of too high a duty. Not many years ago, when they attempted to put down the production of opium in the native states, by placing a prohibitory duty upon it, it led to such scenes and to such demoralization that, at the earnest request of Sir C. Metcalfe, the system was changed to the present one. He would read to the House the opinion upon this subject of one of the ablest senators of the Indian government. Mr. Langford Kennedy stated, in answer to a question of what would happen if the Government thought fit to abandon the trade altogether in India, and to look to opium only as a source of revenue, collecting it as the British Government did Excise-duties:—

> "A tax upon opium, in the shape of an Excise-duty, to be as productive as the revenue the Government at present derive, must necessarily be a very heavy one, and would afford, of course, great temptation to smuggling, and carrying opium clandestinely out of the country, which I conceive it would be im-

possible to prevent, the facilities are so great for the accomplishment of such a purpose."

He adds in another place:—

> "The great difficulty that occurs to me as standing in the way of levying a duty upon opium commensurate with the revenue at present derived, consists in the great inducements that so high a duty as must necessarily be imposed would afford to smuggling, added to the great facilities which the nature of the article, the localities of the country, and the dishonesty of our Excise officers, present to its successful accomplishment."

Likewise, he added, in speaking of the guard that would be necessary to watch the crops if the trade were thrown open.—

> "I apprehend, as I have already said, that the speculators, whoever they may be, would collude with the officers appointed by Government, and we could not by any pay which we could afford to give those officers, make them honest under the temptation that the speculators would hold out to them."

The monopoly and the machinery with which that monopoly had invested the Government enabled them at various times to put down the production of the poppy, although they found it entirely impossible to put down smuggling. Doubtless the effects of a high duty would be to raise up bands of men hostile to law and all good government, and the coasts of India and their neighbourhood, where now an honest commerce was carried on, would be turned into harbours for smugglers and desperate characters, whilst, as in former times, the Portuguese and other settlements would be the dépôts for the prohibited article. A demand had been created in China which all our legislation could never control, and speculators both European and native would be found to invest their capitals at any risk in the cultivation when such great inducements were offered and such a promise of gain was held out. But his noble Friend had gone still further than the wording of his motion would imply—he had declared his anxious desire that the Government of India should place an entire prohibition on the growth of opium within its territories, and had declared it to be his opinion and the opinion of others, that they had the power to carry out such a prohibition, and his noble Friend, would, doubtless, bring as an example, Rungapoor, Baghaulpoor, &c.; but he would reiterate what he had before declared, that it was the monopoly which he wished to abolish, which gave them that power; and the officer who had been employed to put down the production in Rungapoor stated, that with all the force that the Government had placed at his disposal it was put down with the greatest difficulty. He would recall to the recollection of his noble Friend the effect of the stringent act of 1736, which was intended not merely to repress the sin of gin-drinking, but to root it out altogether.

> "The populace, (said M'Culloch), as in all similar cases, espoused the cause of the smugglers and unlicensed dealers; informers were hunted down like wild beasts, the officers of revenue were openly assaulted, and drunkenness, disorder, and crimes increased with fearful rapidity."

> "In two years, (said Tindal), the act had become odious and contemptible, and it was found requisite to mitigate its penalties."

He would put it to any Member of the House acquainted with India, its internal government, and the means and resources at present at its disposal, whether he believed that the Government had within them the power to put an entire stop to the cultivation within their own dominions? Let any hon. Member of the House take up a list of the servants of the East India Company, and let him calculate their resources, then let him examine the map of India inquire into the different races, their habits, prejudices, and characters, who inhabit that wide territory—let him make himself acquainted with its productions and different soils—let him remember the inducements that would be held out, and the openness of all Eastern people to bribery;—again, let him compare the means in the hands of the Government to carry out a measure to put a stop to any production of the soil, if opposed to the wishes of the people, and he felt assured that they would agree with him, that British India must bristle with bayonets, and her coasts be lined with revenue cruizers to effect that object. Believing, therefore, that an attempt to abolish the trade would be impracticable and impolitic, he would not relinquish what he considered to be a check. He would far rather that the government of India should be tainted by the manner in which their revenue was levied upon opium, since it invested them with a power and a control, than that the monopoly should be abolished, and the field for cultivation opened to speculators, who would have no object but gain—no limit but demand.

Captain *Layard* said, that after the

eloquent and able speech made by the noble Lord the Member for Dorsetshire, he had no hesitation in giving that motion his support, believing, as he did, that whenever that noble Lord broke a lance, it was always in the bright cause of humanity; and that, if he did not command success, which he (Captain Layard) trusted he would in this case, at any rate he deserved it. He trusted the House would grant him its kind indulgence for a short time. It had been his fortune some years since to have visited China, actuated by no other motive but an anxious desire to learn and see as much as possible, and induced to do so by what he had read and heard of that wonderful and extraordinary people; and therefore the evidence he should bear to the fearful effects of the trade in opium would at any rate be impartial and unbiassed. In his voyage from Calcutta to Canton, the vessel was some days at Singapore, where he had an opportunity of visiting the smoking houses and a more deplorable sight to his mind could not be imagined In them he saw men reduced by this fatal indulgence to be the very pictures of a hopeless decline; and there he saw the moping idiot; and there he saw men bereft of that best and richest gift of Providence—a sound and unclouded mind.

> "Atque omni damno major dementia, quæ nec
> "Nomina servorum, nec vultum agnoscit amici."

Were the Government and the country prepared to lend a hand in support of those who introduced the cause of such misery and degradation? He trusted not. He knew he should be told that the loss of revenue to the East India Company would be great—it had been said above 1,000,000*l.* But though he felt we might be ill able to bear that loss, yet the loss of character which must follow from continuing such a system would be far worse in his opinion. In a pamphlet written by Mr. Ritchie it was stated, that in 1836 a memorial was presented to the Emperor by Heu Mactoi, vice-president of the Sacrificial Court, in which he says, amongst other things, opium may prevent those who consume it largely from attaining to the length of days of other men. But what of that? This may do well for a political economist in the shape of a Chinese mandarin, but he trusted that it was an opinion that would never be upheld by men in a Christian country—that no man would advocate a cause which was proved, by the showing of its best advocates, to be destructive to human happiness and human life. He knew he should be told that it would be impossible to prevent opium being smuggled into China; but was that any reason that because you could not prevent it, you yourselves were to promote it? He believed it might be greatly lessened. To enable the cultivators of the poppy in Bengal to carry on their cultivation it was necessary every season to make them a liberal advance. Now, he believed if this advance was withheld, the cultivation of the poppy would soon become nearly extinct. It was stated by Mr. Langford Kennedy, in his evidence before the House in 1832, that the finest crops, the most abundant produce, might be, and continually were, destroyed by hail-storms in a very short space of time; and that the country that had been covered like a sheet with the white flowers of the poppy was devastated so completely, that it was difficult to say in what manner the ground had been cultivated, and thus by its uncertainty making it impossible to be carried on without the support of the company. Besides, the trade had called into existence a system of smuggling of which the people of this country had not the slightest idea. He had been an eye-witness to it when the opium ships used to lie in Whampoa-reach, and in which vessels immense quantities of opium were stowed; to remove which the smugglers were accustomed to come down in long-boats, pulling from twenty to thirty muffled oars, all fully armed and equipped; and though the mandarin boats constantly watched them, yet from the desperate character of the smuggling crews, they seldom captured them, the smugglers well knowing that death in its worst shape was far preferable to being taken and undergoing every species of torture, such as cutting off their hands and feet. He had seen many men crawling about the streets of Canton in that miserable and mutilated condition. Should we be inclined to allow such a system of smuggling to be carried on in the Thames—should we be inclined to allow the French or any other nation to countenance such a system, even though they did not do it openly? Certainly not. We should at once declare war with that country, and China would be justified in declaring war with us. But you say, oh, no. China is weak, and will not declare war with us. We are strong; is your strength a reason for doing wrong? Far from it. True it is you have the strong hand of power. But the strength of that hand is given from above, and you know not how soon that hand may be palsied if used in the cause of iniquity and guilt. In his opinion, the opium trade was a gambling and smuggling transaction from beginning to end, and would entail disgrace upon all those who in any way upheld it. More fortunes had been lost than made in its pursuit, which was proved by the fact that the personal of the trade has been continually changing, consisting at one time of Baboos, and afterwards of Portuguese and English houses. He looked upon the late peace with China as the one bright spot in our otherwise clouded commercial horizon, and which, by being taken proper advantage of, might relieve the difficulties under which the manufacturing class was suffering. But it was not only the manufacturer who would be benefited. He believed all classes would, though perhaps in not so large a degree. All naval men knew the advantage of using a chain cable, but that was not an invention of our own, it was taken from the Chinese. All agriculturists knew, and could bear witness, to the advantage of the drill-plough, though perhaps they were not all aware that it was a Chinese invention. Should not our trade be put upon a fair footing, there would, in his opinion, be no chance of maintaining peace with China. Do not let hon. Gentlemen suppose, that should that peace be broken, the next war might be brought to so quick and happy a termination. Having examined, as far as he had an opportunity, into the military arrangements of the Chinese, when in that country, he had always felt convinced, that from their want of discipline, and the inefficiency of their arms, they would not be able to withstand regular troops for an instant—an opinion which he had the honour to state to the late lamented commander of the forces shortly before the news arrived of the taking of Canton. But to suppose, that the Chinese cannot be made good soldiers is a mistake. Remember, that however good a wrestler you may be, that if you continually wrestle with the same man, he may in the end give you the fall. To suppose that men, who, to escape, as they believed, from bondage, cut their own throats (which many of the Tartars did), may not be persuaded, that as far as they are concerned, it would be a pleasanter operation to try to cut ours, seemed to him preposterous. When we consider the distance we are in that country from our resources, how liable our troops are to suffer from the vicissitudes of climate, it behoved the Government not to give any unnecessary cause of quarrel. When it was remembered, that at the highest calculation, there are only 2,000,000 of opium smokers, out of 360,000,000, he was astonished that this destructive vice could not be repressed. Had they not a glorious example in Ireland of what might be done by even a single individual, unbacked by any superior advantage, if influenced by that noblest of all motives, the good of his fellow-creatures? Was not there an instance of a nation giving up a degrading vice which seemed almost to have become a second nature, and, instead of having the finger of scorn pointed at them as examples of inebriety, being now held up as a pattern of sobriety and temperance? Now might be said of of them with truth, that which formerly was written in derision—

"For green is the Emerald Isle of the ocean,
"Whose daughters are fair as the foam of the wave,
"And whose sons, unaccustomed to rebel commotion,
"Though joyous are sober, though peaceful are brave."

He believed it was the opinion of mercantile men, and at any rate the opinion of one who was, he believed, the very best authority in that House upon this subject —he alluded to the hon. Baronet, the Member for Portsmouth—that if the Government meant to carry out means with regard to trade, that might really benefit the country—if they wished, as undoubtedly they did wish, to drive a flourishing trade with China, they must discountenance the opium trade, and suffer those who broke the laws to be punished in the way that they deserved. He could not help again repeating, that it was his belief, that if we had any hand or participation in this miserable traffic, we could not maintain the peace; that there was now an opportunity, unshackled by the fetters of monopoly, to try the advantages of an unrestricted commerce. There might be difficulties, but they would be overcome—at any rate, those difficulties ought not to deter them:—

> "Begin, be bold, and venture to be wise;
> "He who defers this work from day to day,
> "Doth on a river's bank expectant stay,
> "That the whole stream, which stopped him, shall be gone,
> "Which runs, and as it runs, for ever will run on."

For his part, he believed that it would be found in political as in private life, and never more so than on the present occasion, that the adage was most true that tells us that "Honesty is always the best policy."

Mr. *Hogg* greatly regretted that he felt it his duty to give his decided opposition to the motion of his noble Friend. He was well aware of the weight and influence that his noble Friend's advocacy of any measure connected with the great interests of morality and humanity, would have, and ought to have, both in that House, and throughout the country. He hoped he might not be misunderstood, he regretted as deeply as his noble Friend, the injurious and demoralising effects of the excessive use of opium, or any other stimulant. But that was not the question. The House must not be led away by having it supposed, that they were merely called upon to make an abstract declaration of their abhorence of intoxication, and its ruinous consequences. His noble Friend had proposed a remedy, and had stated his means—upon that ground he was prepared to meet him—he was prepared to shew, that the measures proposed were impracticable, and if practicable, that they would not only fail in accomplishing the object in view, but would aggravate the evils complained of. Perhaps, he might, without presumption, suppose that the House was not generally acquainted with the history of the opium cultivation in India; and with their permission he would give a brief sketch of it. The poppy had been cultivated in India for several centuries, more particularly in the provinces of Bengal, Behar, and Benares, and in Central India in the Malwa and Rajpootana States; and under the Mogul dynasty, a considerable revenue was derived from opium, which was farmed out to influential and opulent individuals. The subject, including the very questions now raised, attracted the attention of the Bengal government, in the year 1786, and was fully discussed, particularly by Lord Cornwallis, who gave it that enlightened consideration which he bestowed upon every matter that embraced the interests of the Indian Government, and the welfare of the people over whose destinies he presided. After arguing the question with great ability, and reviewing in detail all the methods that had been suggested, he came to the conclusion, that the last mode of deriving a revenue from opium was, by the system of monopoly at first hand from the ryots or native cultivators; and in arriving at that conclusion, he states, that he was influenced by the consideration of what would be most beneficial to the ryots and the country. The system of monopoly has accordingly been pursued and with great success, and in 1799 the cultivation of the poppy was limited to the provinces of Behar and Benares. This limitation enabled the Government to superintend and control the cultivation, and rendered illicit culture almost impossible. The object of the Indian government was to realise the greatest possible revenue from the smallest possible quantity of opium, and in that object they fully succeeded; for the exports from Calcutta varied very little up to the year 1818, when a new state of things arose. The restoration of general peace in Europe led to the export of Turkey opium to China, while the tranquilizing of Central India, consequent upon the expulsion of the predatory Pindarree bands by Lord Hastings, caused extensive shipments of Malwa opium to China. The supercargoes at Canton called the attention of the government of India to the increased and increasing shipments of Malwa opium, which threatened greatly to reduce, if not to destroy the revenue derived from the monopoly in our own provinces. Under these circumstances, the Government, anxious to avoid the increased production that must result from competition, entered into treaties with as many of the independent states in Central India as would consent to the arrangement, whereby they endeavoured to obtain the control over the cultivation of the poppy in these states, by the payment to their respective rulers of stipulated sums. These opium treaties continued in force until the year 1830, when they were abandoned, from political and not from financial considerations, and the pass system which now exists, was then introduced. The Government no longer attempt to interfere in the culture of the poppy, but for a specified sum, they grant a pass which secures a free transit to a chest of opium from Malwa to Bombay; the price of the pass being fixed at a sum less than the duties likely to be levied by the native states intervening between Malwa and the foreign ports of Dice and Demaun. He would now proceed to address himself to the speech of his noble Friend, whose argument as regarded India, he would endeavour to state correctly. The noble Lord contended that the monopoly ought at all events to be abandoned, as injurious to the ryots, and as unnecessarily identifying the Government with the traffic in opium. The noble Lord went further and contended that we had the power to prevent, and ought to prevent the cultivation of the poppy in our provinces. That by our influence with the chiefs in Central India, we might control, if not prevent the cultivation in these districts; and lastly, that if unable to prevent the cultivation of the poppy, we could prevent the export of opium from any of our own ports in India, while the possession of Kuratchee gave us the control over the Indus, and the Portuguese ports of Dice and Demaun. He believed he had stated correctly the argument of his noble Friend, and he would endeavour to answer it, and first as to the monopoly. He contended broadly that the existing monopoly ought not be disturbed, and that it afforded the only effectual means of controlling the cultivation, and preventing smuggling in our own provinces. The monopoly enabled the Government to limit the cultivation to two districts, Behar, and Benares, and to particular parts of these districts, so that the superintendance was complete. No man could cultivate a piece of ground the size of the table except under an engagement with Government, and all other opium must of necessity be contraband. What other system, he asked, could afford such effectual control? Would the noble Lord wish to introduce a system of excise, and to inflict on the country a host of subordinate revenue officers? If the free cultivation of the poppy was permitted throughout British India, could any man estimate the numbers or the expence of the establishment that must be maintained for the prevention of smuggling? or what was of more moment, the extent of misery and oppression that would be inflicted on the people? To remove this very evil, the transit duties had been abolished—at least, they had been abolished entirely in Bengal and Bombay, and nearly so at Madras. The Government had disregarded all considerations of revenue, when put in competition with the evils and oppression occasioned by the number of Custom-house officers it was necessary to retain. This was no new question. It had, as he had already stated, been fully considered in 1786 by Lord Cornwallis. From that time to the present the system of monopoly had prevailed, and had worked well, at least in our own provinces; producing the largest revenue from the smallest amount of cultivation. The subject underwent the fullest investigation previous to the last renewal of the charter in 1833; all the objections now urged by the noble Lord had been then most fully considered, and all those most competent to afford information on the subject were then examined before the committees of both Houses of Parliament. He would not trouble the House by entering into any detail of the evidence, but he would beg permission to refer to the evidence of Mr. Mill, the historian. He states that the existing monopoly is the only system by which a large revenue could be raised, and smuggling prevented, and that it was not attended with any injury or hardship to any class of persons. When asked as to the condition of the ryots who cultivate the poppy, he states that he believed their condition to be better than that of other cultivators of the soil, and that it was perfectly optional with them to grow opium or not. He (Mr. Hogg) was astonished at the statements made by the noble Lord with respect to the ryots who cultivated the poppy, and knew not from whence he derived his information. The evidence of Mr. Mill, and of every witness who had been examined, proved that the cultivation of the poppy was optional, and that the condition of the ryots engaged in it was superior to that of the other cultivators of the soil, and he begged to assure the noble Lord that he had been grossly misled by those who professed to inform him on the subject. But to return to the proceedings to which he had alluded. The select committee of the House of Commons in 1832, composed of forty-eight members, reported as follows:—

> "In the present state of the revenue of India, it does not appear advisable to abandon so important a source of revenue, a duty on opium being a tax which falls principally upon the foreign consumer, and which appears upon the whole, less liable to objection than any other which could be substituted."

He need scarcely say that if the monopoly was abolished, the quantity of opium produced would be immeasurably increased, as the cultivation would then fall into the hands of private speculators who would compete with each other. Witness the results in Malwa—while the Government had a kind of monopoly by means of the treaties, the average production was 2,600 chests; but when the treaties were abrogated, and the pass system adopted, the average production was 10,300 chests. He next came to the statement of the noble Lord, that by means of an influence with the native chiefs, we could control, if not suppress, the cultivation of the poppy in Central India. He contended that it was not in our power to control, and that we ought not to attempt to interfere with the cultivation of the poppy in the independent states of Malwa and Rajpootana. This did not rest upon assertion, nor was it any matter of speculation; the attempt had been made, and had utterly failed. It had been made too, under circumstances that compelled the Government to put forth their whole strength, and to use every legitimate effort to accomplish their object. He had already explained, that in the year 1820, the revenue derived from the opium monopoly in our own provinces was in danger from the great export of Malwa opium to China. The Indian government, anxious to avert such a loss, used all their influence with the native chiefs in Central India to induce them to enter into treaties, whereby they granted to the Indian government for a stipulated consideration, the control over the opium grown in their respective territories. They succeeded in inducing most of the chiefs to enter, though reluctantly, into these engagements. Several however refused, and among the number, Scinde and the states of Jyepore, Joudpore, and Kishengurh. What was the result? Universal discontent among both the chiefs and the people, the most extensive and daring smuggling, and general disorganization throughout the countries. Anxious to secure the control over the growth of the poppy in those regions, the Indian government persevered for several years in maintaining these treaties, till at length the discontent and disorder became so great, that they saw the necessity of abandoning them. Determined, however, to proceed with every caution, they first addressed circulars to all the political agents resident at those courts, requiring their opinions. Upon the receipt of the replies to these circulars, Government came to a resolution which, with the permission of the House he would read.

"The Governor-General in Council having taken deliberately into consideration the several despatches received in reply to the circular instructions dated 21st of March 1828, and subsequent correspondence proceeds to record the following observations and resolutions on the subject of our Malwa opium arrangements. The general tenor of the evidence now before the Government leads irresistibly to the inference that evils of a very serious nature are inflicted by our monopoly system in Central India, on all who fall within the sphere of its operation. It had been found altogether impracticable to enforce that part of the original scheme which contemplated a positive reduction of the poppy cultivation, and we have already therefore determined to abstain from any direct interference with the production of the article, and have instructed the local authorities accordingly. Nearly all our agents concur in representing that our measures for controlling the transit and exportation of Malwa opium are oppressive and vexatious to the people, unpalatable and offensive to their rulers, whilst we have abundant proof of their imperfect efficacy, in the continually increasing prevalence of smuggling, and in the yearly augmentation of the export of the drug from Dice and Demaun to the China market. The intervention of Scindia's scattered and extensive possessions, which it has been found impossible to include in the general arrangement, would alone defeat our hopes of preventing the escape of contraband opium in considerable quantities from Central India And further the temptations to smuggling are so powerful, the pursuit of the illicit traffic is so congenial to the tastes and habits of the wild tribes and dissolute adventurers who abound in Malwa, and the public sentiment is necessarily so hostile to our monopoly, that it may reasonably be doubted whether the native states, however well disposed to co-operate, and anxious to fulfil their engagements are strong enough to carry the system into complete effect, either with or without the constant and minute interference of our local agents. In the meantime there is reason to fear that the repeated and desperate efforts made to pass the opium beyond the limits of our restrictions by large armed bands of smugglers, and their open systematic defiance of the local authorities, whilst engaged in the enterprise, are operating to demoralize and disorganize the country, and to revive the ferocious and turbulent habits of the Meewahs and other uncivilized tribes, in a degree which demands the most serious consideration."

These treaties were abandoned then from political, and not from financial considerations, and after such experience, he was surprised to hear it contended that we had either the right or the power to control the growth of opium in Central India. Upon coming to the resolutions which he had read, the Government determined to abstain from all interference with the Malwa opium trade, and adopted the pass system which he (Mr. Hogg) had before explained, and which had since prevailed. But his noble Friend had said, that if the Indian Government could not suppress the growth of opium in Central India they could at all events prevent its export, and he had suggested the means of doing so. He begged to tell his noble Friend that, if on this and other points he had applied his own mind to the inquiry, instead of trusting to the statements of others, he would have been more correctly informed. How he asked could the Indian government prevent the opium grown in Central India from reaching the foreign ports of Dice and Demaun? It could be conveyed to Cambay, Baroda, Broach, or any other ports in the gulf of Cambay, and thence to Dice or Demaun, without passing through any part of our territories; or it could be conveyed through Scinde to the bank of the Indus, and thence to Kuratchee by the Indus or by land. The noble Lord had said that we had possession of Kurachee, and could thus control the export by the Indus. But the Indus had more mouths than one. Besides Kuratchee, there were the ports of Vickhue, Darajee, and Garrah, from any of which opium might be shipped. If we had now the complete control over the Indus and Scinde, still the opium of Central India could be exported despite of our interference. Upon the coast of Beloochistan there was the port of Sonmeeanee a place of considerable traffic, and opium might be conveyed there without passing through Scinde. By keeping to the north of Scinde, it might be conveyed to Mittun Kote, where the rivers of the Punjaub join the Indus, and thence through Beloochistan to the port of Sonmeeanee. Suppose for a moment that the cultivation of the poppy could be effectually suppressed throughout the whole of India, would they he would ask, be one step nearer the object his noble Friend had in view? Was India the only country where opium could be grown? He could give a catalogue of countries where opium had been grown, and from which it would be shipped in abundance if we were to fling away a revenue of 1,200,000*l*. There was Turkey, Java, Persia, the Philippine Islands, Egypt, and he believed South America. Opium had also been grown in the Punjaub, where from the nature of the soil and the climate it could be produced to any extent, and there was every facility for conveying it by land into China. There still remained China itself, where opium, though of an inferior quality was grown to a great extent and always had been grown. It was stated by Choo Lien in his memorial that opium was grown in six provinces, and in one of them, Yunnan, to the extent of several thousand chests. He (Mr. Hogg) had in his possession a report from a public officer, showing that opium was imported into Ava from China. His noble Friend had narrated a recent occurrence for the purpose of showing that the Americans were highly favoured and esteemed by the Chinese, because they had abstained from smuggling in opium. He was at a loss to conjecture from whence his noble Friend could derive such information. What, the Americans not deal in opium? Why, who supplied the Turkey opium to China? The Americans had the whole of that trade, and he believed that they also purchased opium at the Company's sales. What said Mr. Jardine, who was examined before a committee, of which he (Mr. Hogg) was a member? He was asked if he could name any individual who had never dealt in opium, and he replied, that he believed Mr. King, an American merchant, had never dealt in the drug. He said that Mr. King objected to the trade as demoralising, and that he also considered it immoral to smuggle; but Mr. Jardine added, that though Mr. King did not smuggle opium, he smuggled every thing else. His noble Friend had portrayed in most frightful colours the effects of the use of opium, and in dealing with this part of the subject, he (Mr. Hogg) hoped he might not be misunderstood. He admitted that the excessive use of opium was injurious to health, and demoralising, but he must say that the picture presented by his noble Friend was very highly coloured, and his statements much exaggerated. He believed from all he had heard and read, that the use of opium was less fatal to health, and less injurious to morality than dram- drinking; and that dram-drinking prevailed more extensively in England than opium smoking did in China. He had seen it stated in a report on the Canton Medical Missionary Dispensary, that out of 4,576 cases, only fifteen arose from opium smoking. He would also beg permission to read an extract from the work of Dr. Mc Pherson, who had been in China with our troops,—

"From the earliest periods in every nation, and among every people, we find some description of stimulus in common use among them; and were we to be led away by the popular opinion that the habitual use of opium injures the health and shortens life, we should expect to find the Chinese a shrivelled, and emaciated, and idiotic race. On the contrary, although the habit of opium smoking is universal amongst the rich and poor, we find them to be a powerful, muscular, and athletic people, and the lower orders more intelligent, and far superior in mental acquirements to those of corresponding rank in our own country." It may also be mentioned, that, at the time fevers prevailed so extensively among our troops at Hong-Kong, but comparatively few of the Chinese suffered, though exposed throughout to the same exciting causes."

His noble Friend had dwelt upon the general and excessive use of opium throughout the states of Rajpootana, and upon the melancholy consequences it induced; and he had read extracts from the work of Colonel Todd in support of his statement. Now he (Mr. Hogg) was quite willing to take the example selected by the noble Lord, and to refer to the same authority, for a higher than Colonel Todd could not be adduced. It was quite true that the Rajpoots had for several centuries indulged in the excessive use of opium which they gave to their children in their infancy. If the statements of the noble Lord were correct, we should expect to find them a miserable, weak, emaciated, enfeebled and demoralised race. But what was the fact? They were beyond all question the finest people in India—physically, the most powerful, athletic and muscular; and morally, the most generous, the most high-minded, and with the highest sense of honor. He hoped the House would allow him to read a few extracts from Colonel Tod, whose admiration of the character of the Rajpoots rendered his description almost poetical. He says—

"High courage, patriotism, loyalty, honour, hospitality and simplicity, are qualities which must at once be conceded to them; and if we cannot vindicate them from the charges to which human nature in every clime is obnoxious; if we are compelled to admit the deterioration of moral dignity, from the continual inroads of, and their consequent collision with, rapacious conquerors, we must yet admire the quantum of virtue which even oppression and bad example have failed to banish. Reduced in power, circumscribed in territory, compelled to yield much of their splendour and many of their dignities of birth, they have not abandoned an iota of the pride and high bearing arising from a knowledge of their illustrious and regal descent. The poorest Rajpoot of this day retains all the pride of ancestry, often his sole inheritance; he scorns to hold the plough, or to use his lance save on horseback."

Mr. Mountstuart Elphinstone, the first living authority as to anything relating to India, while he laments the excessive use of opium throughout Rajpootana, thus speaks of the people.

"The sort of feudal system that prevailed among the Rajpoots, gave additional stability to this attachment, and altogether produced the pride of birth, the high spirit and the romantic notions, so striking in the military class of that period. Their enthusiasm was kept up by the songs of their bards, and inflamed by frequent contests for glory or for love. They treated women with a respect unusual in the East; and were guided, even towards their enemies, by rules of honour, which it was disgraceful to violate. But, although they had so many of the characteristics of chivalry, they had not the high strained sentiments and artificial refinements of our knights, and were more in the spirit of Homer's heroes, than those of Spencer's or Ariosto's. If to these qualities we add a very strong disposition to indolence (which may have existed formerly, though not likely to figure in history,) and make allowance for the effects of a long period of depression, we have the character of the Rajpoots of the present day."

He thought the extracts he had read were sufficient to satisfy the House that the statements of the noble Lord were much exaggerated, and that the use of opium might be indulged in, even to excess, without inducing the melancholy consequences depicted by him. The Chinese themselves were also a brave, hardy, muscular race, with energy and enterprise equal to any nations of Europe. The Malays and Javanese who also used opium were hardy, strong, and muscular. He lamented as much as his noble Friend could do, the excessive use of opium or any other stimulant, and the evil consequences that must result from such indulgence; but he was anxious to place the matter in its true light, and to remove the erroneous impressions which the statements of the noble Lord were calculated to produce. The noble Lord had read a very strong report made by Mr. Bruce, with reference to the districts in Assam, where the tea plantations were: but the effects attributed to the use of opium by Mr. Bruce, were really produced by the dreadful climate of that country. In corroboration of what he stated, he would appeal to his hon. Friend opposite, the Member for Guildford, who was well acquainted with the deadly character of the climate, and with the difficulty which the Assam Tea Company had in consequence experienced, in procuring labour for their plantations. The Hill Coolies who were ready to encounter a sea voyage, and to proceed to the Mauritius, could not be induced to work in tea plantations in Assam. Before leaving this part of the subject, he would ask permission to refer again to the evidence of Mr. Jardine, who had for many years been at the head of the first commercial establishment in China. He says that he considers dram-drinking more injurious, both to health and morality, than opium smoking. He says, that the comprador or cashkeeper of his firm, had smoked opium for thirty or forty years, and that no bad effects had resulted from it. He adds, that he was one of the cleverest fellows he had ever met with, and that in thirty years he had never known him to make a mistake. [*Here some hon. Members laughed.*] Hon. Members seemed amused at this statement, but he used the very words of Mr. Jardine, and he would appeal to the hon. Member for Montrose, as to the almost incredible correctness of the native cashkeepers in the East. But to proceed with the evidence of Mr. Jardine. He says, that he had known many opium smokers die at the age of seventy or eighty, with their faculties in full vigour. He says, that many take opium steadily as we take wine, and that taking opium had no more tendency to excess than spirits. He adds, that during his long residence in China, he had not known more than six or eight persons injured by smoking opium. He had not been able to follow very distinctly the statistics of the noble Lord, but he could show the fallacy of one statement that had been prominently dwelt upon by him. The noble Lord referred to the remarkable falling-off, in a particular year, in the exports of British manufactures to China, and added that it resulted from the increased export of opium. Now the noble Lord would find, that in that same year, there was a corresponding increase in the export of British manufactures to India, which was thus to be explained. China being then in an unsettled state, the exports were not shipped directly to that country, but were sent to Bombay, and from thence to China. It thus necessarily followed, that the increase in the exports to India was met by a corresponding decrease in those to China. He had hitherto endeavoured to address himself to the arguments used by his noble Friend with reference to India, and he now came to China, and with the permission of the House, he would state very shortly, the history of our trade with that remarkable country, more particularly with reference to our trade in opium. The Portuguese commenced their traffic with China in the year 1516; first at Ningpo, and afterwards at Macao, where they were established in the year 1537. In the year 1637 the East India Company attempted to establish a trade with China, but failed. In the year 1683 they made another and more successful effort, and from that period, subject to occasional interruptions, we have had an unlimited traffic with that country. The importation of opium into China was formerly permitted at a fixed duty: but in the year 1796 it was prohibited by an edict issued by the late emperor Keaking. This edict was never practically enforced, and opium continued to be imported, paying fees to the Canton authorities, instead of duties to the Government. The mode of proceeding was this: the opium was not brought to Canton, but remained on board the vessel at Whampao. After a sale was made, an order for the delivery of the quantity sold was given to the Chinese purchaser, who proceeded to the ship, and received and removed it at his own risk. The late emperor died in the year 1821, and was succeeded by the present emperor; and upon his accession, severe measures were adopted by the then viceroy of Canton, who compelled the ships to move from Whampao and proceed to Lintin, where they have since remained. These measures led to no result beyond the removal of the ships, and the trade in opium continued as before. For a few years, the Chinese admiral annually visited Lintin, and went through the form of ordering away the ships, but even this ceremony was soon discontinued. His noble Friend, when treating of our past trade with China, and of our future prospects, had entirely lost sight of the peculiar nature of our relations with that country. He had even compared our trade with China with that carried on with countries with which we had commercial treaties, and friendly political relations. Now he must deny that there could be any analogy between the cases. He would state broadly that we never had any trade with the Chinese as a nation—our traffic was barely tolerated, and was limited to a few merchants denominated "the Hong," and was not carried on with the Chinese. It was not of a national, but of a corporate character. Again, he did not think it could be said, that the British merchants were cognizant of the Chinese laws, or owed them obedience. They could not appeal to them for redress, and derived no protection from them—our relations with China, as regarded trade, depended on the whim of the Hong; and as regarded law, on the will of the Viceroy. Here, then, he would ask, could his noble Friend attempt to compare our trade with China, with that carried on with European nations with whom we had political and commercial treaties. He (Mr. Hogg) did not believe that our differences with the Chinese originated in the increased importation of opium. He believed that feelings of alarm and suspicion were first excited in the minds of the Chinese, by the changes consequent upon the opening of the trade in 1834. Unused to change themselves, they could not understand or tolerate it in others. They saw the withdrawal of the Company's super-cargoes, the only authority they had ever recognised, and they had a vague, undefined feeling of apprehension as to our future intentions. Then came Lord Napier, who made demands and asserted privileges that had never before been claimed by foreigners. He thought that the British merchants in China had been dealt with rather harshly by public opinion in this country. He thought it most unfair and most unfounded to brand them as smugglers, and to attribute the recent rupture with China intirely to their trading in opium. He (Mr. Hogg) did not mean to justify the opium trade; but he wished that the House should be apprised of the real nature and character of the traffic. The viceroy of Canton, the Mandarins and other public authorities not only sanctioned the trade in opium, but they themselves took an active part in the traffic. The Chinese cruizers employed in the preventive service and the custom-house officers, all received, not occasional bribes, but regular stated fees, and often granted passes for the protection of the drug. In fact, the trade in opium was like any other trade in China, save that the duties levied went to the authorities at Canton, and not to the State. The authority of Captain Elliot had been referred to by the noble Lord, but what said Captain Elliot on this subject? He said, that it was a misapplication of terms to call the opium trade smuggling, when it was not only sanctioned, but encouraged by the local authorities. The names of the ships, the price of the opium, the deliveries, and the stock were published as regularly in the *Canton Gazettee*, as was similar information in the commercial lists in this country. If now and then edicts were issued for the suppression of the opium trade, the local authorities took special care to nullify them by adopting measures for the encouragement of the traffic. In 1837, some measures seemed to be adopted in good earnest for the suppression of the trade, and thirty or forty of the boats engaged in bringing the opium from the ships were publicly destroyed. With this interruption of the trade, ceased the income derived by the Viceroy from that source, and what did the House suppose the Viceroy did? Why, he started four boats of his own, not small boats like those destroyed, but thumping large boats, holding 100 chests each, and in which he brought the opium from the ships to Canton, with his flag flying at the mast. Call this smuggling, or by any name they liked, but it was a trade openly sanctioned and encouraged by the only public authorities known to the foreign merchants. The real ground of the alarm entertained by the Chinese, and the real cause of the measures they adopted, was not the importation of opium, but the export of silver occasioned by it. Up to the year 1828, silver had always been imported into China. From that period the exportation commenced, and amounted according to the Chinese authorities to 50,000,000 or 60,000,000 of dollars in fifteen years; one of the Chinese privy councillors stated, that it would require the produce of the mines of China for 1,000 years to replace the silver that had left the country. And let it be borne in mind, that the Chinese think that national wealth consists in the precious metals. Yet his noble Friend had said, stop the opium trade, and you will receive for British manufactures the silver now paid for the drug. He (Mr. Hogg) hoped that the manufacturers would not be deluded by any such vain hope. He saw opposite him an hon. Member (Mr. Mattheson) who could tell the manufacturers that they would be grievously disappointed if they expected to receive Sycee silver in exchange for their goods. If the ships at Lintin, instead of being laden with opium, had been freighted with the woollen and cotton manufactures of this country, the outcry would have been the same: moral grounds would no longer have been urged; but it would have been said, you are impoverishing China, by ruining her native manufactures and injuring her native industry. There were some very remarkable documents which tended to throw much light on the subject before the House, but he had already trespassed so long on their kind attention, that he would not venture to refer to them at any length. He alluded to the memorial of Hew-Naetse recommending the legalising of the opium trade, and the minutes of the different councillors of state to whom the subject had been referred by the emperor. These papers are written with great ability, and the question is argued almost exclusively in political and financial, and not upon moral grounds. Some recommend legalising the trade; some, increased measures of severity, and some an effectual blockade of the coast; but all agree in this, that the great national calamity to be averted and guarded against is the drainage of silver from the country. Even the councillors, who recommend the legalizing of the trade, expressly stipulate that the opium must be paid for in goods, and that no silver shall be permitted to leave the country under any pretence. While the exportation of opium was legal, the trade was moderate and under control, after it was declared contraband, it flourished and defied all restraint. Such had ever been the case when the Government of any country had attempted to prohibit the importation of any article which the people were determined to have. It was the vain attempt to accomplish what all experience had proved to be impracticable, that had occasioned all the evils attendant upon smuggling, which had been so powerfully described by the noble Lord, and the existence of which he was ready to admit and lament. He contended, that the best, nay the only mode of putting an end to these evils, was to legalize the trade. He most anxiously hoped, that our envoy would not enter into any arrangement, binding this country to put down smuggling on the coast of China, and he had such confidence in the ability and discretion of Sir Henry Pottinger, that he felt assured he would enter into no such engagement. It would be utterly impossible for this country by any effort to fulfil such an engagement even with regard to her own subjects, and every infraction of it would afford a fresh ground for dispute. Talk of putting down smuggling on the coast of China, why, what had we been able to do on our own coasts? When we, with the enormous expenditure devoted to that object had not been able to prevent the smuggling into our own ports of brandy and tobacco; were we to attempt to prevent the smuggling of opium into China with a coast of 1700 or 1800 miles, abounding in harbours and cities, and studded with islands, thus affording every facility for smuggling? The attempt would only aggravate the evil, and drive the trade into the hands of the most daring and lawless. After the Chinese authorities had fostered and encouraged the trade in opium for half a century, it was too much to contend, that they had a right to call upon us, now to act as a preventive service to put it down. He was most anxious that the trade in opium should be put under efficient control, and repeated his conviction that the only mode of doing so, was to legalize it. In the observations he had addressed to the House, he had endeavoured to show that the existing monopoly was the best mode of growing opium, with reference both to the revenue derived from it, and the interests of the people of India; and that the changes suggested by his noble Friend would only tend to aggravate existing evils. He had stated his reasons for believing that the noxious qualities of the drug had been greatly exaggerated. He had endeavoured to explain the real character of the trade, and the true cause of the measures recently resorted to by the Chinese. And he had pointed out the danger and impracticability of any attempt to put down smuggling by any other means than by legalizing the trade, and would feel it his duty to oppose the motion of his noble Friend.

Sir *T. E. Colebrooke* hoped that, from his having been some time resident in India, the House would indulge him with a patient hearing. First, with respect to the statements of the noble Lord, he must say his own impression, derived from his acquaintance with India, was, that those statements were rather overcharged. Having been a good deal about in India he was never in a district in which the vice of indulgence in this drug had been carried to any extent, or to an extent anything resembling that which the noble Lord described as prevailing in Assam. It so happened that when in India he had never had an opportunity of seeing any one under the influence of opium. Of course, he saw frequent examples of other kinds of drunkenness, but never of this. In the district in which he resided opium was grown to a very considerable extent, and he only mentioned the fact of his never having seen a case of the kind to show that although the vice might be dangerous and insidious, yet the article might be consumed with moderation. In what he was about to say he wished to set aside the question of monopoly altogether. He was in general favourable to the suppression of the monopoly, though not to any wild scheme for the suppression of the trade; but he would put that question quite out of his consideration at present. A considerable part of the noble Lord's remarks were directed to the many evils which arose out of the cultivation of opium, but those evils were susceptible of remedy. The abuses which the noble Lord described he had no doubt did occasionally arise, but having been engaged in superintending the advance of money to the cultivators, he should say that the existence of these abuses was by no means the rule. As to the effects which the noble Lord stated the trade to have on the manufacturing industry of this country, he concluded, from an observation the noble Lord made in the course of the speech of the hon. Secretary to the Board of Control, that the noble Lord was rather inclined to abandon that part of his argument, and that he gave up the position that it was injurious to the manufacturing interests here, and he understood the noble Lord now to rest his motion entirely on moral grounds. At any rate, it was a misapprehension on the part of the noble Lord, that if the importation of opium into China were forbidden, our manufactures would immediately pour into that country instead; but, however this fact might be, he contended that they had no right to mix up that question with the question of the trade in opium; for that was not a fair way of dealing with the question. If the noble Lord brought forward the question on moral grounds, then alone moral considerations ought to be sufficient to decide it; if not, they had no right to interfere with the cultivation in India in order to benefit the British merchants. That argument was just the converse of that which hon. Members opposite were accustomed to urge against the repeal of the Corn-laws. Next, with respect to the question of international authority many hon. Members had relied on the argument that because the trade was forbidden by the Chinese government we were bound to suppress the trade. He could not agree with that; he was not aware that we were at all bound to suppress the trade because it was forbidden by the Chinese government, any more than the French government was bound some time ago to suppress the manufacture of silks when French silks were forbidden to be imported into England, and the whole channel swarmed with smugglers. But the question must be decided entirely on moral grounds; it was one on which there could be no compromise; we must either suppress the trade entirely, getting the whole world to join us in doing so, or the trade must be legalised. On this point, too, the noble Lord seemed to him to falter. Then, with regard to the power of this country to suppress the cultivation in India, he agreed with the hon. Member for Beverley (Mr. Hogg), and he was glad to find his own opinion confirmed by the opinion of others. At one time he had thought that the cultivation might be suppressed, but when he came to consider how the object was to be effected he was staggered; for the extent of the country and the knavery of the native population presented obstacles which it would in his opinion, be most difficult, if not impossible, to surmount. It would be exceedingly difficult, amongst a population scattered over so large a district, and whose communications with each other were so restricted. Under such circumstances any restrictive law would be difficult of enforcement as even in this country, where the law was held in respect, the inducement was in too many instances more than a match for the law. Such a course might be adopted with active and intelligent agents; but where, instead of being active and intelligent, the agents would be found dull, the cultivation by the natives would go on, in spite of all law, even though it were put down in some districts. The consequence would be, that a sort of smuggling warfare would ensue, more injurious and demoralizing in its results than any effects which could be produced by an open trade. Though he did not underrate the difficulties connected with the question in a commercial point of view, he would not then enter into that part of the question; but, discussing it on moral grounds, there was more to be feared as regarded India than as regarded China. Nothing would throw more difficulties in the way of our future prosperity than encouraging a belief that the trade in opium was about to be suppressed. The notion that the trade was about to be suppressed should be discouraged in every possible way and he feared the expectations likely to be created by the speech of the noble Lord (Lord Ashley) would tend to increase the difficulties. One part of the speech of the right hon. Member was important to be considered, namely, the favourable disposition of the Chinese to allow us to judge in their dominions over our own subjects; and he (Sir E. Colebrooke) mentioned it to show that he was not insensible to existing evils. If the Chinese continued to impose the penalties, and we were at the same time to enforce our own laws, how were we to act as respected the enforcement of the Chinese edicts?

Mr. *Lindsay* did not rise to defend the opium trade, but rather to confirm the statements made by the hon. Member for Beverley. If the House believed that the trade was attended by evils equal to those described by the noble Lord who opened the debate, it would be the duty of this country to put it down at all risks; but he believed that the alleged evils were greatly exaggerated. He would read a letter, which was well worthy of the attention of the House, having been written by a gentleman who had the fullest opportunity of ascertaining what were the moral and physical effects of the use of opium on the people of China. That gentleman had been for seventeen years a surgeon in the service of the East India Company in China; he was now president of the Medical Mission Society in China, and during six of the years that he had been in the Company's service, upwards of 4,000 patients had been relieved by his skill. The letter of Dr. Colledge ran as follows:—

"Cheltenham, March 28, 1843.

"Dear Sir,—From your long residence in China, I presume you are already aware that opium is not used by the Chinese in any other way than in their own peculiar manner of smoking it. It is never taken in the solid or fluid state, either as an article of luxury or medicine; and it is most important to bear this in mind, in any discussion you may be engaged in regarding its baneful effect on the human frame. So much has been said and written on the effect of opium on the animal economy, that any opinion I can offer regarding its action will not, I fear, add much to what is already known on the subject. My firm belief is, that all intoxicating, stimulating, and narcotic matters, whether taken in the solid, fluid, or gaseous form, to excess, by persons in health, affect more or less injuriously the constitution; but I do not conceive, so far as my experience goes, that the particular article opium (especially in the state of smoke) is so rapidly destructive either of the intellectual or corporeal energies as dram drinking; and not one of us, assuredly, who has lived in China for years, has ever witnessed, either within or without doors, the disgusting and brutal scenes which are everywhere thrust upon our view in countries where the inhabitants indulge uncontrolled in the use of ardent spirits. Those of our countrymen who have been in the habit of conversing with Chinese, who have long smoked opium habitually, but in moderation, must have been satisfied that their intellect seemed to be rather brightened than obscured while under its influence; whereas the intellect of the habitual dram-drinker or 'heavy-wet' drinker is either deranged to a degree bordering on madness, or lulled into a state of almost dead insensibility. M'Nish, in his essay on drunkenness, remarks,—'Of two evils, we should always choose the least; and it is certain that, however perniciously opium may act on the system, its moral effects, and its power of injuring reputation, are decidedly less formidable than those of the ordinary intoxicating agents.' He here means opium in the solid or liquid form, and I conceive that, in a state of smoke, it is still less injurious. Opium used in the state of smoke appears to act specifically on the nervous system, and so long as the individual using it in this way has the means of supplying himself with the stimulus he is able to go on, by daily winding up the energies of his system, to an indefinite period. Contrast with this the observations on habitual drunkenness by the same acute observer already quoted:—"If the drunkard refuses to lay aside the Circean cup, let him reflect that disease waits upon his steps—that dropsy, palsy, emaciation, poverty, and idiotism—followed by the pale phantom, Death, pursue him like attendant spirits, and claim him as their prey.' Sudden death is occasionally the consequence of a merry debauch from ardent spirits, without a single trace of organic derangement in the brain being discoverable, but, what is most surprising, alcohol in such cases has been found in the ventricles of this organ, proving, in my opinion, that ardent spirits possess a narcotic principle, capable, under certain circumstances, of destroying life by their direct action on the sensorium, whereas death from a momentary excess in smoking opium has never come under my notice amongst the Chinese. The idea seems to be prevalent in this country, that opium is both eaten and taken in a liquid form by the Chinese, but I may safely assert that we have no knowledge of its being used by them in any other way than that of smoking it, except it be administered with a suicidal or murderous intention, when it is invariably swallowed. Chinese physicians, in obstinate and protracted complaints, which resist their ordinary means of cure, are accustomed to recommend the opium pipe to their patients, not being permitted even to name the drug in their prescriptions, or to compound it in any way, as a remedy for alleviating the agony of disease, the imperial prohibition against its use extending equally to soldiers, citizens, peasants, and physicians. What would the members of our Royal Colleges of Physicians and Surgeons do if our most gracious Sovereign were to issue her mandate denouncing the use of opium in her dominions? There are cases of emergency daily occurring, both in the practice of medicine and surgery, in which opium is our sheet-anchor, our sole dependence, and, without it at our command, we should be as much perplexed as the poor Chinese doctors, and, I have no doubt, would feel as ready to assist our suffering patients in procuring it, even if such aid caused us to rebel and act in open violence to established laws; but fortunately we live under a more happy system of government than our Celestial contemporaries, and are not prohibited from the exhibition of any article which may be thought to benefit suffering humanity. I beg to draw your attention to this fact of the Chinese physicians often feeling themselves compelled to recommend the opium-pipe, as the confirmed habit of smoking is in many instances to be traced to this source. A very worthy English physician has lamented what may be considered a parallel evil—that in prescribing brandy-and-water in stomach complaints he had innocently made many drunkards. Do not let the tendency of these remarks be misunderstood, for I consider opium as an article of luxury altogether unnecessary and injurious; but, so far as I have been able to form an opinion, I do not believe that opium used in the state of smoke is either morally or physically so destructive as the use of ardent spirits.

" Believe me, dear Sir,
" Yours very faithfully,
" J. R. Colledge."

" To H. H. Lindsay, Esq., M.P."

That was the opinion of a man well qualified to form an opinion on the subject. He must, therefore, say without questioning the propriety of the motion of the noble Lord, that we ought to look at home, and endeavour to remove the beam from our own eye before we attempted to take the mote from our neighbour's. He held in his hand the opinions of several other persons, which were to a similar effect, but at that late hour he would not read them. One of them was that of Mr. Trotter, who had had the charge of the opium cultivation in Benares for nine years, and who distinctly and positively denied that the system of opium cultivation was open to the charges and objections made against it; that, on the contrary, it was one which was perfectly congenial to the wishes and feelings of the people who were engaged in it. The noble Lord held that peace or good-will with China was inconsistent with a trade in opium. He would readily admit, that there never could be peace between the two nations so long as the smuggling of opium in armed vessels was carried on. Indeed, of that he was perfectly convinced. But how was that evil to be removed? He should not object to see the use of opium as an article of luxury entirely abolished, if it were possible; but possible he did not believe it to be. The hon. Member for Beverley had ably pointed out the evils which had followed the attempt to extirpate its growth in India; but as regarded China, the coasting trade being in the hands of two or three leading individuals of that country, it had been carried on with every desire to avoid offence or injury to the people; men of the highest character were put in command of the vessels trading on the coast and for many years an extensive trade had been conducted without any collision with China; but the smuggling in Canton vessels was in every respect discreditable to the country. It was, however, chiefly carried on by parties whom he considered as not connected with the legitimate trade of China. Looking to the question with every wish to see the trade with China placed on a proper and respectable basis, he must express a hope that the hint which had been thrown out by the Secretary of the Board of Control would be acted upon. He hoped, that the able negotiator who was intrusted with our affairs might succeed in endeavouring to convince the Imperial Government that the only effectual mode by which the evils of the trade could be removed was by legalizing the trade itself. He wished to see the opium monopoly remain in the hands of the company, so that they might restrict the trade as far as possible, instead of enlarging it. He adverted to the strictures passed on the British merchants at Canton by Sir H. Pottinger, and said that one of the greatest evils they complained of was the want of a controlling power over their countrymen, who frequently committed great excesses there. It was requisite, for the sake of peace, that the Government should give to the Consul a summary power to deal with parties who acted improperly. He concluded by saying, that he could not give his support to the motion of the noble Lord.

Mr. *Hindley* moved that the debate be adjourned.

The House divided on that motion—Ayes 26; Noes 118: Majority 92.

List of the AYES.

Aldam, W.
Barnard, E. G.
Berkeley, hon. Capt.
Bernal, Capt.
Brotherton, J.
Browne, hon. W.
Colquhoun, J. C.
Fielden, J.
Fleetwood, Sir P. H.
Gill, T.
Hastie, A.
Howard, hn. C. W. G.
Inglis, Sir R. H.
Mangles, R. D.
Norreys, Sir D. J.
Plumptre, J. P.
Plumridge, Capt.
Protheroe, E.
Sandon, Visct.
Strickland, Sir G.
Thornley, T.
Trelawney, J. S.
Tufnell, H.
Walker, R.
Wawn, J. T.
Wortley, hon. J. S.

TELLERS.
Hindley, C.
Bowring, J.

List of the NOES.

Ackland, T. D.
A'Court, Capt.
Acton, Col.
Aglionby, H. A.
Allix, J. P.
Antrobus, E.
Arundel and Surrey, Earl of
Ashley, Lord
Astell, W.
Baillie, Col.
Baring, hon. W. B.
Beckett, W.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Brocklehurst, J,
Buckley, E.
Buller, Sir J. Y.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Colvile, C. R.
Corry, rt. hn. H.
Cripps, W.
Dalmeny, Lord
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
Duncombe, hon. A.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Escott, B.
Farnham, E. B.
Fellowes, E.
Flower, Sir J.
Fox, C. R.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E,
Gladstone, Capt.
Gordon, hn. Capt.
Gore, M.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hanmer, Sir J.
Hardinge, rt.hn. SirH.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hope, G. W.
Howard, Lord
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Knatchbull,rt.hn.SirE.
Lawson, A.
Layard, Capt.
Lefroy, A.
Lincoln, Earl of
Lockhart, W.
Lyall, G.
McGeachy, F. A.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Martin, C. W.
Master, T. W. C.
Masterman, J.
Matheson, J.
Meynell, Capt.
Mitcalfe, H.
Morris, D.
Murray, C. R. S.
O'Brien, J.
Ossulton, Lord
Oswald, J.
Paget, Col.
Palmerston, Visct.
Parker, J.
Peel, rt. hn. Sir R.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Russell, C.
Scarlett, hon. R. C.
Scholefield, J.
Sheppard, T.
Smith, J. A.
Smith, rt. hon. T. B.C.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, W. V.
Strutt, E.
Sutton, hn. H. M.
Tennent, J. E.
Tollemache, hn. F. J.
Towneley, J.
Trench, Sir F. W.
Vivian, hon. Capt.
Wellesley, Lord C.
Young, J.

TELLERS.
Fremantle, Sir T.
Pringle, A.

Viscount *Sandon* resumed the debate after some further conversation about adjourning it, and said, that he was quite ready to go on if the House desired it, although at that hour and amid the confusion which prevailed it was impossible to do justice to the subject of the debate. He had heard a great deal on minor points, but had received no assistance on the great question, whether it was possible that our relations with China could coexist with the opium trade. Among other things they had heard was a long speech about the glory of the people who ate opium; but had they not evidence of every kind, evidence not only from missionaries, but from persons engaged in the cultivation of the soil, to the effect that the growers and consumers of opium were a people generally in the lowest state of degradation? Then another hon. Member had told them that opium was the only stimulant permitted to be used by Mussulmans. He believed, however, that opium-eaters were looked on by their fellow Mussulmans with much scorn and contempt, and that they were no more permitted by their religion to consume it than they were permitted to consume any other intoxicating liquor. But all these, as he said before, were minor questions compared with the one great point for consideration. What we wanted was a permanent and peaceful intercourse with 300,000,000 of people, with whom we might, under certain restrictions, carry on a most profitable and flourishing commercial intercourse. To lose such a golden opportunity would be worth an infinitely greater sacrifice than the sacrifice of the opium trade. For the loss of that trade, if we did relinquish it, we should soon receive more than ample compensation. If we did not relinquish it, if we did not act honestly and manfully, let us not console ourselves by supposing that the Chinese would give credit to any shuffling apologies. The Chinese were now an enlightened people. They read our newspapers, and were acquainted with our customs, and they were fully aware of how, and by whom, this opium trade was supported. It was time that the Government took steps to redress the evil, and if they did not take such steps, upon them must rest the responsibility. We must show the people of China that we had no hand in forcing this drug upon them. The Chinese Government had been honest and uniform in its opposition to the introduction of this drug. He could not remain silent and see a question of this nature treated with levity, on which the character of 300,000,000 of people depended. He heartily supported the noble Lord's resolution. It was a disgrace to a Christian nation to carry on the opium trade as we had done. He entirely concurred with the opinion expressed by every port and large manufacturing town out of London, that the existence of the opium trade would make it utterly impossible that our manufactures could have any considerable expansion in China, or any permanent reception there.

Sir *R. Inglis* said he wished first that the whole House could have heard the speech of his noble Friend; and next (in which he hoped to give no offence) that no Member would, he would almost say presume, to vote, without having heard it; for that speech must convince any man that had a heart or a head that this question was not one to be treated with levity, or to be dismissed because it was half-past twelve or half-past one; but ought to be considered with the calmest deliberation by the assembled representatives of the people of England. He also felt, that our commercial intercourse with China could not be suffered to remain as it now was; and when the House was told by the hon. Member for Beverley on the one hand, that a revenue of 800,000*l.* or 1,200,000*l.*, was dependent upon this half-legalised traffic, and heard, on the other hand, from those best conversant with the subject, that the traffic was inconsistent with a state of peace—he asked his hon. Friend whether one year's war would not absorb all that was expected to be gained by continuing the trade. He might be told, that equal horrors were to be found in some of the gin palaces of England. He believed, that practically no such evils were to be found in the worst sinks of the worst towns in England. An hon. Member who was not now present had referred to some nameless abominations which took place under the influence of opium. He held in his hand a passage, in a letter from Batavia, contained in the *New York Observer*, in which the writer said,

> "I visited one of the opium-houses, and shall I tell all I saw in this ante-chamber of hell? I thought it impossible to find anything worse than the results of drinking ardent spirits, but I have succeeded in finding something far worse"

He went on to detail enough to make any man conceive he had seen something unutterably bad. He said he saw Malays, Chinese, men and women, old and young, in one mass, in one common herd, wallowing in their filth, beastly, sensual, devilish, and this under the eyes of a Government, a Christian Goverment. Was it for the sake of 1,200,000*l.* that they were willing to continue such fiscal regulations, the natural results of which were to bring their fellow-creatures into a state like this? Were they to continue a trade too against the will of the Chinese Government, the effects of which were so demoralising to its subjects. He would take an analogous case. Supposing, in spite of our laws against the introduction of corn, the French chose to employ fast sailing clippers to introduce corn into this country by every means in their power. What would be the conduct of the British Government—no matter whether it was a Whig or Tory — a pro-corn-law or an anti-Corn-law government? Would they permit the smuggling of an article, the most innocent or beneficial? and could it be supposed, that in the present case the Chinese would tamely submit to a similar course of proceeding with regard to an article the most deleterious and pernicious, that one man could grow, and another receive? We had continued this course, contrary, as he believed, to the laws of God and man, and we must be prepared to retrace our steps, or to encounter the natural and necessary results in a future war. Let us be wise in time, now there was an opportunity. He did not wish to see that trade legalised either in China or anywhere else; but an arrangement might now be made by her Majesty's representative and the goverment of China, by which the introduction of that article into China would be rendered for ever impossible. He was willing to vote for the resolution as he found it, without meaning to say that he might not have wished it to have been slightly altered. He thought that negotiations might tend to produce a desirable result, which, without preventing the growth of the article altogether, might prevent its introduction into China, contrary to the wishes of the Chinese Government. He thought the House would best discharge its duty to the people of India and China by adopting the resolution which his noble Friend had moved with a degree of talent, eloquence, and Christian principle which reflected the highest credit upon him.

Sir *Robert Peel* was surprised at the conclusion to which his hon. Friend and his noble Friend the Member for Liverpool had come with reference to this resolution. Here was a matter of the greatest delicacy and importance, involving a revenue of 1,200,000*l.*, when the revenue of India is in a state requiring the utmost care, and his hon. Friend and his noble Friend called on the House to adopt a resolution which would injure the revenue to the extent he had stated, and compel the cultivators of the soil to give up another portion of their scanty earnings. In a matter of this delicacy he could not help expressing his surprise at the admission of his noble Friend who said that the resolution should be modified, and that parts of it required consideration, and should be amended. His hon. Friend who spoke last, said that there was now an able negotiator at the court of China, and who, it was possible, might by his exertions do much to modify the evils of the trade. Now how did his hon. Friend know that some such beneficial results were not in the course of being brought about, through the exertions of this able negotiator? If such negotiations were pending, and if there was a chance of changing the feelings of the Chinese government on the subject, so that some amicable arrangement could be effected, was it not unwise to interfere by adopting a course like the present? Might they not defeat the object which the negotiator had in view? This resolution prohibited the growth of opium, and supposing that the Chinese government heard of this resolution, the hopes that might otherwise be entertained, that by diplomatic means the object in view would be obtained, would be entirely at an end. If there was one thing more important than another for the House of Commons to maintain its weight and authority in the country, it was that it should weigh well the resolutions to which it came. A resolution was not like a bill, for one vote decided the matter; and there was no opportunity of reconsidering it, as there were various stages at which a bill could be thrown out. Ought the House, then, after the admissions of his noble Friend, and his hon. Friend, to come to a vote of this kind tonight, which would at once decide the matter? Why not rather adopt the other course which had been proposed, and declare that the House was not in such a state as regarded their then knowledge of the subject as to enable them to a vote on a resolution which they were told by its supporters required amendment? But what was the resolution of his noble Friend, of whose motives he spoke with the utmost respect, doing justice to the humanity which induced him to bring the subject forward, and also to the ability which his noble Friend had displayed on the occasion; but he knew his noble Friend too well not to know that he was willing that his resolution should be canvassed with the utmost freedom. What was his noble Friend's resolution?

> "That it was the opinion of the House of Commons, that the continuance of the trade in opium, and the monopoly of its growth in the territories of British India is destructive of all relations of amity between England and China."

This was the first part of the resolution, and it excluded any possibility of legalising the trade in opium. But it was also impossible entirely to interdict the trade, for opium, besides being produced in our Indian possessions, could be obtained from Turkey or from Manilla, or British capital would be engaged in cultivating it in the state of Malwa and other places. Would the House aver, that the "continuance of the trade in opium is destructive of all amicable relations? and at the same time decide, that the monopoly of the growth in the hands of the East India Company is unwise? There were two questions to be considered; one, whether you will vote, that if this country should sanction the illegal trade in opium, that would be contrary to the wishes of the Chinese government; and another perfectly distinct from this,—whether by this resolution, you can prevent the growth of the vegetable in our possessions in India. He would show why it was better to postpone their coming to a decision on the subject. The matter had not only occupied a considerable share of attention from the present Government, but also from the late Administration. The late Government instructed Sir H. Pottinger to communicate with the Chinese government on the subject. Now, had Sir H. Pottinger acted at all in a spirit favourable to the opium trade? Did not Sir H. Pottinger, on a recent occasion, almost stand alone, while he had to confront the displeasure of powerful parties in China, in consequence of the part which he took in condemnation of that traffic? Sir Henry Pottinger had been instructed to make a respectful application to the Chinese government on the subject, and to show them the impolicy of endeavouring entirely to interdict the trade. He was instructed to show in how many countries this vegetable could be produced, and to point out the great extent of the coast of China, and the almost impossibility of putting down the smuggling trade in opium; and he was directed to point out the tranquillising effect in one respect, and the advantages that might be obtained from it as an article of revenue, if the Chinese government would look at the question in the same way as European governments regarded questions of this kind—namely, getting rid of smuggling by legalising the trade, and imposing a duty on the import. This was a matter of such importance, that he was sure that the House would excuse him for reading a portion of the instructions that had been sent out by the present Government to Sir Henry Pottinger, to guide him as to the course that he was to pursue. He referred to this extract from the instructions to Sir Henry Pottinger, for the purpose of proving to the House, that her Majesty's Government was not indifferent to the question, but was fully aware of its importance, as well regarding the interests as the honour of this country; and also to show that it condemned the principle of British subjects, with immense capital, engaging in a traffic against the municipal laws of the Chinese. The instructions were written by Lord Aberdeen to Sir H. Pottinger, and were dated 29th of December, 1842. The extract, which he would read, was as follows:—

> "Whatever may be the result of your endeavours to prevail upon the Chinese government to legalise the sale of opium, it will be right that her Majesty's servants in China should hold themselves aloof from all connexion with so discreditable a traffic. The British merchant, who may be a smuggler, must receive no protection or support in the prosecution of his illegal sale; and he must be made aware, that he will have to take the consequences of his own conduct. Her Majesty's Government have not the power to put a stop to this trade on the part of the British smuggler; but they may impede it in some degree by preventing Hong Kong and its waters from being used as a point by the British smuggler, as a starting point for his illegal acts. That is to say, when Hong Kong is ceded—until that the smuggling of opium cannot be prohibited there; but as soon as it is ceded, you will have power to prevent the importation of opium into Hong Kong, for the purpose of exportation into China."

Did not that prove, that this important question had not escaped the attention of her Majesty's Government; and such being the case, was not the course marked out in the instruction he had just referred to a much wiser course than that proposed in the resolution? If they adopted it, the chances would be, that the negotiations of the able man to whom his hon. Friend had alluded would be put a stop to; he therefore urged upon his noble Friend the propriety of leaving the matter in the hands of her Majesty's Government, so that the object which his noble Friend so anxiously had in view should not be defeated. So much for the illegal traffic in this article. Now, with regard to the other question, whether it were politic or just for the House of Commons to attempt to interdict the growth of a certain vegetable by the people of India, within the territory of the East India Company? He was afraid, that a very erroneous construction would be put upon the motion of his noble Friend. He was sure that his noble Friend's intention was a just and a good one; but when he was called upon to interdict the growth of this opium, in order to benefit the manufacturers of this country, he became doubly unwilling to sanction this resolution; first of all, because upon that ground it was assumed, that the growth of this vegatable ought not to continue, and secondly, it was most unwise that we should undertake, because persons in another country abused the use of it; because they had not a sufficient control over their own appetites; because, by their own good sense, they could not abstain from the use of the vegetable, it was most unwise, that, therefore, the English Government should resort to the extreme step of preventing the growth of it altogether in their possessions in the East. He thought, that it had been shown in the course of the debate, that there could be no control over the growing of opium beyond the British provinces. In the state of Malwa there was in one year produced 10,000 chests, and if we chose to attempt to control the growth there, we could have no security that British capital would not be taken to other spots, where the climate and soil were favourable to its growth. This was not a question, however, of absolute prohibition—we could not prohibit the growth. The question was, whether it would not be better to attempt its regulation. If they could not interdict the growth, the question they had to decide was, whether opium should be grown under the regulations of a monopoly, or under free-trade. He implored the House to act with great caution in this matter. If it were a question merely affecting the commercial interests of this country, he would ask the House to come to no hasty decision, but to weigh calmly all the points connected with the subject: of how much greater importance was that when the interest of so large a country and so great a body of people was at stake? If you abolish monopoly altogether, and substitute in its place free-trade, the House could not anticipate the evils which may arise to India itself. With regard to this question, he would refer to the opinion of Lord Cornwallis. What does his Lordship say on the point? Lord Cornwallis had many opportunities of studying and watching the interests of the great country committed to his charge. When examined in 1786 by the East India Company with reference to a free-trade in opium, his Lordship said, that he was opposed abstractedly to all descriptions of monopoly. He had maturely and deliberately considered the question, and he must confess that he saw the great advantages which resulted from keeping the opium trade in the hands of the Government. He expressed an opinion decidedly in favour of monopoly. Lord Cornwallis thought it was necessary in order to protect and preserve the public interest. He would refer the House to another authority, the opinion of Mr. Mill, the historian of British India. That gentleman a man of great talent and whose opinion certainly ought to carry great weight on a question of this character, took the same view of the matter. Mr. Mill was in favour of monopoly. He considered a free-trade in opium would lead to great abuse of the opium trade in India. Mr. Flemming also expressed a similar opinion in favour of monopoly and against free trade. If that House consulted all the authorities on the point it would be found that a monopoly of the trade of opium was considered preferable to that of free-trade. He did not ask the House to enter upon a consideration of this question with the view to its settlement this night. He asked the House to vote for the previous question, and not for the abstract resolution of his hon. Friend. How was it possible that they could affirm this resolution with the imperfect information which the House possessed on the subject. They were going to affirm a resolution in defiance of the opinion of Lord Cornwallis, in defiance of the statement of Mr. Mill, that monopoly ought not to be abolished, that it was necessary for the wellbeing of that country that a free trade in that drug should not be established. Opium was an article of agricultural produce. He considered it very questionable whether the House had a right to limit its growth, in order to introduce into China with much greater advantage the produce of British manufactures. What has been our policy with regard to that country? India had a flourishing cotton manufacture; that, this country had destroyed. India is in a different position from what you found her. If you destroyed her manufactory of cotton, you left her in undisturbed possession of her agriculture. If the traffic in opium could be legalized, it would be most unjust, if, for the purpose of opening a market for the British manufactures, you adopt measures which must inevitably have the effect of destroying the agriculture of India. Are hon. Members so very sensitive on the subject of opium? Did we not derive a large revenue from tobacco; a revenue to the amount of 3,400,000*l.* on the tobacco smoked and chewed, to excite and stimulate us. [An hon. *Member :* And compose us]. And this in addition to a duty on gin, spirits, brandy, and wine, luxuries which men who had no command over their appetites could and did abuse. We who raised 8,000,000*l.* or 9,000,000*l.* by the duty on barley alone, and 3,400,000*l.* on a weed which many considered most noxious, would yet interdict the growth of opium in India in order to preserve the morals and take care of the health of the Chinese. The ryots were very glad to grow opium, because, according to Lord Cornwallis, there was a degree of protection derived from it against undue and unauthorised exaction, which was not the case with other commodities; and, moreover, the cultivation of indigo and opium was healthful to the inhabitants. Was it for the House to say to the people of India "we will prohibit the cultivation by you of that part of your agricultural produce which is most safe, most profitable, and most healthy," and to do this in order to substitute the cotton manufacture of this country, in making which we employed a child for twelve or fourteen hours a day. He did say that it was not quite fair, after we had destroyed the cotton trade of India by the superior cheapness of our own, to destroy also its chief agricultural produce. It was absolutely necessary to consider this question with great caution in the present state of India, in the present state of the labouring population, and in the present state of the revenue; seeing that if that revenue were deficient additional sums must be derived from direct taxation which would fall upon labour and be paid out of the produce of the soil. His noble Friend said, that 1,000,000*l.*, or 1,200,000*l.* a-year was a small amount; but they might depend upon it that the revenue in India was a matter of the utmost importance, and that they could not diminish the revenue by one million without engendering the necessity for fresh taxation, which must fall on the labouring population of that country; and, unless they were perfectly clear as to the justice of the change they were about to make, they ought not to subject to additional burthens those who were already taxed to the utmost advisable extent. The resolution declared :—

> "That the continuance of the trade in opium and the monopoly of its growth in the territories of British India is destructive of all relations of amity between England and China; . . . and that steps be taken as soon as possible, with due regard to the rights of governments and individuals, to abolish the evil."

They might depend upon it that it was not by the summary course, even if they could abolish the trade, that they could effect this abolition safely. He would not at that late hour of the night, enter into any further discussion; he trusted he had said enough to induce the House to believe that her Majesty's Government were not negligent in this matter, that it would be unwise to pass this resolution on a single night's debate, that its terms were too decisive and emphatic, and that, upon the whole, the best course would be to leave the subject to her Majesty's Government, for their cautious consideration. He did not ask the House to reject the resolution; he did not ask them to negative it; but in the present state of the revenue of India, he only asked the House to leave the subject where it ought to be left, in the hands of her Majesty's Ministers.

Mr. *Acland* said, that after the speech of the right hon. Baronet, he certainly could not support the motion of his noble Friend; but at the same time he hoped it would not be supposed that he was indifferent to the moral considerations involved in the resolution. He desired to express no opinion on the theoretical question of monopolies, and he did wish that the House might be saved from the necessity of expressing any opinion whatever on the subject.

Lord *Ashley*, in reply, said, that after the indulgence which the House had kindly given to the remarks with which he had introduced the subject to the House, he would much rather submit to the effects of misconception and misrepresentation, than trespass upon the attention of the House for more than a few moments at that late hour. There was, however, one remark which he wished to make, namely, that the minute made by Lord Cornwallis in the year 1786, relative to the circumstances of those times was not applicable to the present state of affairs. When it was said, that he (Lord Ashley) wished to strike out one great article of Indian production, for the purpose of conciliating the British manufacturers, he must say, that his object was to get rid of this drug, and to allow the Indians to return to the original cultivation of the soil, displaced as it had been by this noxious poison. He conceived, that the cultivation of opium was inconsistent with the welfare and happiness of the Indian nation. When, however, he heard from the lips of his right hon. Friend (Sir R. Peel), the First Minister of the Crown, that by a motion of his, negotiations now pending, relative to India and China, might be prejudiced, he was, and he would be, the last man to press such a motion, under such circumstances, to a division. He would certainly have been glad to have heard the opium trade spoken of by his right hon. Friend, in stronger terms of reprobation. At the same time, after what his right hon. Friend had stated, he would, with permission of the House, withdraw his motion.

Sir *R. Peel* said, it was extremely difficult for him to speak positively on the subject of negotiations. Most certainly, negotiations were pending, and the noble Lord had heard the spirit in which reference had been made to them. Every one must see it was perfectly possible that if those negotiations were not concluded before the news of that motion arrived at the seat of those negotiations, the adoption of such a motion by the House must have a material effect upon their progress.

Motion withdrawn.

House adjourned at two o'clock.

HOUSE OF COMMONS,

Wednesday, April 5, 1843.

Minutes.] Bills *Public.*—2°. Players of Interludes; Admiralty Lands.

3°. and passed: Sudbury Witnesses Indemnity.

Private.—Reported.—Bourn Drainage; Forth Navigation; Manchester Corporation.

3°. and passed: Brighton and Hove Gas; Hungerford and Lambeth Suspension Foot Bridge.

Petitions Presented. By Messrs. G. Knight, V. Smith, Hawes, S. Crawford, Hutt, Ewart, and Lord Bernard, from a great number of places, against the Educational Clauses in the Factories Bill.—By Mr. Brotherton, Lord Dalmeny, and Sir P. H. Fleetwood, from a great number of places, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Sir J. Trollope, Mr. E. B. Clive, and another hon. Member, from Exeter, Cardigan, Blackburn, and Horsford, against the Ecclesiastical Courts' Bill.—By Lord Bernard, from Bandon, for Amending the Irish Poor-law.—From Westbury Union against the Registration Act.—From Bristol and London, in favour of the Health of Towns Bill.—From Nottingham, for Amending the Bankruptcy Act.—From Lambeth, for the Redemption of Bridge Tolls.—From Oldham, against the Truck System.—From Suffolk, against the Union of the Sees of St. Asaph and Bangor.—From Limerick, and Bandon, against the Pawnbrokers Trade (Ireland) Bill.—From Whittington, and Bandon, against any further Grant to Maynooth College.—From Bandon, against the present system of Education (Ireland).—From Ballinasloe, for Amending the Lighting of Towns (Ireland) Act.—From Cork, and Waterford, for Amending the Tithe Composition and Poor Relief (Ireland) Act.

Maynooth.—Notices. Sir *V. Blake* gave notice that he should move an amendment to the motion of the hon. Member for Bridport for an inquiry into the system of education at Maynooth, to the effect that an inquiry be instituted into the question, whether the indiscriminate perusal of the Bible, as a school book, unaccompanied by any note or comment, was most calculated to conduce to the interests of true religion; or whether it had not produced those inveterate prejudices which had produced so many forms of dissent from the established religion of the country.

Mr. *Labouchere* begged to call the attention of the House to the words of this notice of motion. He did not think that it was a decent thing to apply the expression of "inveterate prejudices," to the religious opinions of any class. He had thought the terms of the motion had not been generally heard by the House, and he felt himself bound to refer to them.

Sir *V. Blake* thought, upon consideration, that the language used was certainly rather strong, he would, therefore, adopt the suggestion of the right hon. Gentleman, and withdraw the notice for the present.

Players of Interludes.] Mr. *Ewart* moved the second reading of the players of interludes bill. He hoped that there would be no objection to the bill now passing this stage, the discussion being taken on going into committee.

Mr. *M. Sutton* had no objection to offer to the suggestion of the hon. Member. He, however, could not give his assent to the bill as it now stood, though he was ready to admit that the state of the law was not very satisfactory, and he gave his consent to this proposition upon the understanding that the House should not be pledged to adopt the provisions of the bill as they now stood.

Bill read a second time.

ADMIRALTY LANDS.] Upon the motion for reading the order of the day for the second reading of the admiralty lands bill,

Mr. *Gill* begged that this bill, which had been on the Table a very short time, should be postponed. He had some objections to the compulsory clauses of the bill.

Mr. *S. Herbert* begged that the second reading might be now taken *pro forma*, and any discussion which might arise might be taken on going into committee. He would fix a late day for the committee.

Bill read a second time.

House adjourned at five o'clock.

HOUSE OF LORDS,

Thursday, April 6, 1843.

MINUTES.] BILLS. *Public.* — *Reported.*—Pound-Breach and Rescue; Slave Trade Abolition (Bolivia).—Slave Trade Abolition (Uruguay).—Slave Trade Suppression (Texas).

Private.—1ª· Hungerford and Lambeth Suspension Foot Bridge.—Brighton and Hove Gas.

2ª· Balfour's Estate; Bolton Gas; Trentham Roads.

Reported.—Lancaster Lunatic Asylum; Cockermouth Roads; Chepstow Water; Sheffield, Ashton-under-Lyne, and Manchester Railway; Birkenhead Improvement; Imperial Continental Gas.

PETITIONS PRESENTED. By the Bishops of Salisbury, and Winchester, from Alton, Cricklade, the Clergy of many of the Suburbs of London, Dorset and Grantham, against the Union of the Sees of Asaph and Bangor.—By the Earl of Bandon, from Bandon, against any further Grant to Maynooth College.—And from the same place, for Encouragement to the Irish Schools in Connexion with the Church Education Society (Ireland).—From Cricklade, against Rating Tithe to the Poor; and for Church Extension.

PROPERTY TAX (IRELAND).] The Earl of *Wicklow* moved for a return of the amount of Property-tax paid in England on property drawn from Ireland; a return of the amount of Property tax paid by individuals on half-pay residing in Ireland; with several other returns of a similar nature, up to the 5th of the present month. His object (the noble Earl observed) was to ascertain the amount which Irish property actually paid to the Income-tax. If the sum of 250,000*l.* was contributed in that way to the Income-tax, then he would contend that the whole ground which was advanced for laying an additional duty on Irish spirits was no longer tenable, and could not be maintained.

The Duke of *Wellington* had no objection to the production generally of such papers as would afford the noble Earl the means of arriving at the information which he desired. But the first paper called for was of so comprehensive a nature, that it would, in fact, call for a minute examination of the returns from all parts of the country, and could not be satisfactorily made up.

The motion modified according to the suggestion of the Duke of Wellington was agreed to.

DUTIES ON COTTON AND WOOL.] Lord *Monteagle* said, he rose, pursuant to the notice which he had given on a former evening, to move for accounts relative to the amount of cotton and wool imported during each of the last seven years, and the duties paid thereon. He understood that no objection would be offered to his motion; but still he thought it was right that he should state to their Lordships, as briefly as the nature of the subject would admit, his reasons for calling their Lordships' attention to it. He had last year endeavoured to impress on their Lordships how much better it would be to remove the duty on the importation of wool and cotton, and thus, by benefitting the woollen and cotton trade, raise a larger revenue in other ways than they derived from the tax on those articles. He still maintained the same opinion that he held on the former occasion. This question was not, in his opinion, difficult to be dealt with. It was unlike the question of the Corn-laws. There was no adverse interest here to deal with. The only interest that could at all be considered adverse was that of the public, as it related to the revenue. Looking to the article of cotton, it was evident that there was no home interest to protect. With regard to wool, no good argument could be adduced against its importation; for it had been proved, from the experience of 1828, to the present time, that the manufacturer himself was not more interested in procuring wool cheap than was the British wool-grower in procuring a better and readier market for his produce. He should, in the first instance, confine himself to the article of cotton; and he should endeavour to show the dangerous consequences that had flowed, and that were likely to flow, from the imposition of a duty on the importation of cotton wool. Undoubtedly the duty on cotton produced a large amount of duty, but he would call the attention of their Lordships to the dangerous consequences which flowed from that duty. If we had no foreign trade, the duty of 5-16ths of a penny would be of less importance than it now is; but the great importance of the duty and the danger, and if he might use a stronger term, the calamity which impended over the trade of this country, arose from the fact that we had great foreign trade in manufactured cottons. It was a duty paid upon raw cotton introduced into this country, and there was no drawback on the manufactured cotton exported. The manufactured goods of England, therefore, had to meet other countries in foreign markets at a disadvantage of the amount of duty paid here on the raw cotton. The duty was laid upon the raw material, and it was carried through every stage of the process of manufacture, and it was enhanced at each stage by the ordinary rate of interest and of profit. Therefore, the effect of the duty in raising price, was by no means measured by the amount of duty paid to the Customs. Another consideration of importance he would mention. If they looked at the papers laid before Parliament, they would find that, from some cause or another, a considerable change had taken place in the nature of both these articles exported. Whereas in former times the larger proportion of the articles exported were manufactured goods, the great proportion now was of unfinished articles. It was obvious that the duty on the raw material pressed more severely on the unfinished article, than on the article in the finished state. The duty was therefore larger and a more oppressive burthen to the trade of this country now than it was a few years ago, and consequently we experienced a more active competition in our foreign trade than formerly. On comparing our exports of cotton goods, between the years 1840 and 1842, he found a falling off in the declared value of 3,600,000*l.* He had not the amount of the official value, so that he could not tell the quantities; but it was evident that in the markets of the world, less manufactured British cottons were sold in 1842 than in 1840. The enormous foreign cempetition was greatly prejudicial to British interests. In what branches of manufacture, however, was it that we could stand foreign competition best? It was in the higher description of articles, into which the improvements of machinery largely entered. In the coarser articles, into which these improvements entered but little, foreigners could more easily enter into competition with us. What effect, then, had this tax? It became the most burthensome in proportion to the nature of the articles in which the foreigners could best compete with us. The tax was as nothing on the higher class of articles, but was most oppressive on the coarser class. Let him take the case of America. The coarser articles the Americans can produce with success at a lower price than we can. Now, let their Lordships see what was the condition of foreign countries with which we had to stand in competition. It was true that in France there was a duty on the importation of raw cotton, but there was a bounty on the exportation, and he would call it a bounty rather than a drawback, because it was more than the amount of duty paid on the raw material. In the third or neutral markets, therefore, to which we exported our manufactures, they were more than equal to us, having this bounty over and above the duty. In the Prussian league, embracing the whole of the German States, they were too wise to impose a duty on the raw material. They exported goods and they produced largely for their own consumption, and yet we expected our goods to meet theirs upon equal terms. In Switzerland it was the same. In the United States of America, they had the raw materials on the spot, and could it be supposed that we could long continue a successful competion with them, if we continued to impose a duty on the raw material? A diminution of our foreign trade must ensue, and it could not take place without pressing severely on a great portion of the manufacturing population of this country. Perhaps a little more daylight had been thrown upon their condition, but in what degree there were signs of permanent improvement it was not for him to say; but he did say that the Legislature was not justified in aggravating that distress in any the slightest degree. The Legislature and the public were complaining of adverse tariffs, but when they put a duty of this kind upon our own manufactures, and compelled our manufacturers to pay that duty before they could export, we ourselves were creating an adverse tariff, we were aggravating the mischief which came from foreign powers of which we were the first to complain. It was calculated that the wages paid in the cotton trade amounted to

18,000,000*l.* a-year. This was a most enormous amount, and their Lordships could imagine that a reduction of 12 per cent. would create an immense abridgment of the comforts of this large body; and the falling off of 3,600,000*l.* a-year in the value of the article exported, must produce that reduction. In the distressed state of the manufacturing districts, he found the key to the immense falling-off in the revenue of the country. This case had been discussed in former Parliaments and in another House, and if he wished to condense all his observations upon this part of the subject, he would do so by reading what was then said. In 1836, the duty on raw cotton was thus spoken of in the other House:—

> "With regard to the duty on the importation of raw cotton, he would just state, that in the year ending 5th April, 1835, the duty collected upon that article, which undoubtedly was one of the main sources of the prosperity of the country, amounted to 374,000*l.*; and in the year ending the 5th April, 1836, the amount levied was 400,000*l.*; the rate of duty being, he believed, only five-sixteenths of a penny per pound. But it behoved the House to bear in mind that the manufacturers of this country were exposed—and so long as peace continued, they would be exposed—to vigorous foreign competition. He, therefore, would say, that to levy such a duty as 400,000*l.* upon a raw material which formed the staple of our chief manufactures was most unwise. On the one hand, no advantage could be gained from so small a revenue; on the other, it would be most dearly purchased if by retaining it we should increase the advantages of an increasing and successful competition by foreign countries."

That was the statement of the right hon. Gentleman, the present First Lord of the Treasury. It was not for him to say how much of the public revenue could be abandoned, but he said, that if there were means for abolishing duties, there were no duties which could more advantageously be repealed than the duties on raw materials. All the general objections to the duties on raw materials applied equally to the duty on the raw material of wool, but there were some peculiarities on that duty. He was speaking in the presence of the noble Duke (the Duke of Wellington), who, in 1828, held communication with different parties on this trade, and understood it, and of the noble Lord, the President of the Council (Lord Wharncliffe), whose connexion with Yorkshire made him fully acquainted with the trade. He might remind their Lordships, that the wool trade was composed of two separate and entirely different branches: with one alone he was about to deal; and it was that which usually paid the most important part of the duty, the wool used in the manufacture of fine cloths. So far from the introduction of foreign wool having displaced the wool of the home growers, they had benefitted by the reduction of duty. The legislative proceedings with respect to the duties on wool furnished an example of the advantages of applying sound principles, and of adhering steadily to what was called the principles of free-trade. No doubt it appeared rational in former times to prohibit the export of wool, and to put high duties on the import; that rule had been since departed from, and both the British and foreign trade had improved, notwithstanding an increased export of British, and an increased import of foreign wool. The recent state of our foreign woollen trade showed that we had met abroad with an increased and active competition, which we were unable to cope with. The returns showed, first, a diminution of the quantity of wool exported from this country, and next, a diminishing import trade. It appeared, that on sheep's wool imported in 1842 the amount of duty paid was 130,000*l.*, whilst in 1843 it was only 95,000*l.*, the reduction in the quantity being from 53,000,000 lbs. to 44,611,000 lbs. The export trade showed a reduction also. The gross amount might continue to increase, but there was a decrease in those articles on which the highest duty was paid. The exports of cloths from this country, comparing 1833 with 1840,—and he admitted this was not altogether a fair comparison, for it was comparing one of the highest with one of the lowest years—had fallen off in the finer articles which were manufactured of foreign wool, from 352,000 pieces to 104,000 pieces, while in the trade in articles made of English wool the falling off had only been from 760,000 to 604,000 pieces. The alteration in the declared value had been, in round numbers, from 3,000,000*l.* to 2,000,000*l.*, showing a falling off of one-third in our foreign trade. Now, what had been the state of things in France during the same period? If they compared the condition of the trade in a country where there was no duty upon this article, with its condition in a country where a duty was imposed, their Lordships would be able in some degree to judge of the consequences of imposing such duties. In the period during which the British woollen trade — once our greatest staple manufacture — had fallen from 3,000,000*l.* to 2,000,000*l.*, the French woollen trade had increased from 555,000*l.* to 1,064,000*l.* The English trade, burthened with a duty on the raw material, had fallen off one-third, whilst the French trade, which was free from duty, had doubled. We were accustomed to say, that we had peculiar advantages; but, presuming that we had only equal advantages, we should have great difficulties to overcome, on account of the difference between the two countries in respect to the duty on the raw material in one country and not in the other. He had stated that 18,000,000*l.* were expended in wages in the manufacture of cotton in this country. He believed the calculation of the cost of labour used in the woollen manufacture was between 8,000,000*l.* and 9,000,000*l.* Let noble Lords imagine what a mass of the comforts of life to the humbler classes was contained in this amount of wages. Let them consider how that amount might be augmented but for these most impolitic duties on the raw material. In advocating this reduction he was only supporting the principle adopted last year in the new tariff. That principle was to reduce the duty on all raw materials, so that they should not exceed 5 per cent. Now the duty on the lower descriptions of wool, owing to the dirty state in which they were imported, greatly exceeded this amount. The amount of wools imported from South America was much augmented, and, in consequence of the low character of the wools, the duty approached to 13 per cent. The duty was levied by the weight, and, though it was only one-halfpenny per lb., yet the value of the raw material was but 4*d.* He did not expect any pledges on the subject from the Government, but he hoped that the case would be duly considered, and he was persuaded that very few steps could be taken by those in power more satisfactory to the great bulk of persons now struggling against difficulties, than to take off the duties now levied on raw materials; they would then see, that where Parliament had the power of giving relief, and of enabling our manufacturers the better to compete with foreigners, it had not failed in its duty. The noble Lord concluded by moving for returns of the quantities of cotton and wool imported during the last seven years.

The Duke of *Wellington* regretted that his noble Friend the President of the Board of Trade could not be present to speak upon a subject with which he was necessarily much better acquainted than himself. He admitted that the noble Lord (Lord Monteagle) was perfectly justified by the practice of the House in the course he had pursued, only he lamented that he was not so well qualified to follow the noble Lord through the various topics to which he had directed the attention of their Lordships. The noble Lord had said that he did not expect from the Government any declaration of their purpose with respect to the tax; but the noble Lord had said, likewise, that it could not be continued without inconvenience to trade. Their Lordships would, however, remember that it was a tax which had existed for many years; and he rather thought that it was not quite so injurious as might be imagined from the speech of the noble Lord. He wished that the noble Lord, instead of calling for returns and accounts of importations for only a few years, had carried back his motion for the last nine or ten years; for had he done so, it would have afforded a fairer, as well as a clearer view of the subject. The result would, in that case, have been somewhat different; nevertheless, the general argument of the noble Lord deserved consideration. The noble Lord had commenced by adverting to what passed in the last Session; and true it was that the noble Lord had then recommended that taxes on the raw material should either be repealed or reduced. But the object of Parliament and of the Government was, at that time, to provide for a deficient revenue, and to equalise, if possible, the revenue and the expenditure. With this view measures were taken to lower the duties on several large articles of import, and to establish a new tariff. It was certainly desirable to proceed in this matter with the greatest caution, in order to take care that, in the endeavour to supply a deficit, that deficit were not made more considerable. At all events it was important to raise the revenue to the expenditure; but the course proposed by the noble Lord, instead of supplying an increase, would have caused a diminution in the revenue to the extent of 800,000*l.*

It was thought not desirable, last year, to add that sum to the 1,200,000*l.* already wanting, and this year the diminution would be to nearly the same amount. He begged to remind their Lordships of the state of the revenue at this moment, and he entreated them to do nothing that might tend to break down a system which only last Session had been established, and a perseverance in which would at least afford a chance of the repeal of the income-tax, at the end of the three years for which it had been imposed. He begged the House to wait a little while, until the precise state of the income and the expenditure was known. If in another place, to which those matters peculiarly belonged, it were thought fit that this or any other tax should be reduced, he was sure that their Lordships would be too happy to concur in such a proposition. But he entreated their Lordships not to encourage an idea of the reduction of duties on different articles until the general state of the income and expenditure had been ascertained. He confessed that he did not think the article of cotton one which particularly required a reduction of duty; at the same time he was perfectly persuaded of the truth of what the noble Lord had advanced respecting the operation of the duty on different stages of the manufacture of the article. He begged, with reference to the papers moved for, to show that in reality, in the course of years during which the duty had existed, that there had been a gradual increase, and a gradually growing increase, of the trade of the country in the article of cotton. The import of cotton wool in 1833 had been 330,606,000lbs., and in 1842 it had ascended to 532,798,000lbs., or on an average of nine years it was 420,639,000lbs. In the same way the declared value had risen from thirteen millions to sixteen millions sterling. The inference was, therefore, that the cotton trade had at least not been overborne by the amount of duty. It might perhaps be much better if there were no duty at all upon cotton wool, but as it was, it seemed necessary to maintain it, especially as the trade had so prospered under it. As to sheep's wool, there was this fallacy which ran through the speech of the noble Lord—that he omitted to state that the imports of colonial wool were subject to no duty, and colonial wool formed a large proportion of the fine wool introduced into this country. Upon the whole, he was of opinion that the returns as moved for would not give a fair view of the case; and, as he was desirous that every information upon the subject should be in the hands of their Lordships, he should move to extend the proposed returns over ten years, that colonial wool should be distinguished in them from foreign wool, and that they should also state which kind paid a high and which a low amount of duty.

Lord *Monteagle* was quite ready to withdraw his motion, and to substitute for it that of the noble Duke. It would answer his purpose better to have the returns for ten years, only he wished to save trouble by requiring them for only seven years. He also wished that the countries from which the articles were imported should be distinguished.

The Duke of *Wellington* assented to that suggestion.

Lord *Ashburton* observed, that since the last war the attention of Parliament had constantly been called to the subject of the tax on cotton and wool. He had himself always looked with suspicion at the tax on the raw material, and he thought it was at all times necessary to watch most cautiously and carefully that it did not press unfairly on the manufacturing interest of the country. In principle all such taxes were to be deprecated, and he believed they had only been allowed to continue, especially the tax on raw cotton, because the manufacture of the article had continued, year after year, to increase. The consumption of raw cotton was now nearly double what it was at the close of the war; and even the consumption of 1842, as compared with 1841, presented an increase. The consumption of 1841 was 440,000,000lbs., while that of 1842 was 477,000,000lbs. In fact, although there had been an occasional fluctuation, there had been the increase he had stated, since the war. When the noble Lord himself was Chancellor of the Exchequer, the consumption fell from, in 1833, 430,000,000lbs., to in 1839 350,000,000lbs. It was not fair to take the decreased consumption of any one year as a ground for altering the duty, or the noble Lord ought to have reduced it in the latter year. The noble Lord had founded his statements on the decrease according to the declared value. But the declared value was not the official value. The declared value might fall off considerably without any corresponding decrease in the official value; because the official value had reference to the quantity, the value being fixed and settled, while the declared value denoted the actual value of the thing in the market as declared by the exporting merchant. It was well known that there had been a great decline in the value of all articles of manufacture, more especially cotton—although a greater amount of cotton had been worked up, and therefore a greater number of manufacturers employed. It was, therefore, obviously not just to connect the distress of the people with the falling-off in the declared value. The noble Lord had also observed that the tax bore heavily in proportion to the less amount of labour bestowed in the manufacture of the article. The tax, therefore, would bear more heavily on yarn than on manufactured goods. The export of yarn had increased in January, 1843, to 7,700,000lbs. from 7,200,000lbs., in the previous January. Here was an additional 500,000lbs. precisely where the tax was most severely felt.

Lord *Monteagle* observed that, during the periods to which the noble Lord had referred, the money amount of wages paid had fallen off in a greater proportion than the amount of the declared value of wool. With regard to these duties, he begged to remind their Lordships that in 1824, when a reduction of the duties was made, the exporters and importers were put on an equal footing. In 1828, however, when another reduction was made, the inequality was restored, and then Lord Bathurst held out a hope that at the earliest possible opportunity the parties should be relieved.

Motion agreed to as follows:—

"Accounts shewing the amount of cotton wool imported into the United kingdom during each of the last ten years, shewing the several countries from which the same has been imported, the amount of duty received thereon, and the amount entered for home consumption in each such year; and also similar accounts of sheep's wool, distinguishing foreign and colonial wool, and also distinguishing in respect to foreign wool such as paid the higher duty of one penny per lb. from such as paid the lower duty of one halfpenny."

The Income Tax.] Lord *Brougham* wished to put a question to the noble Duke on the subject of the Income-tax, to which he desired to have an answer before the holydays. That tax, as he had argued a year and a half ago, was only to be justified by its necessity. In this point of view he rejoiced at the great amount the tax appeared to have produced, because the more it yielded the sooner would they be in a situation to think of getting rid of it. The right hon. Baronet at the head of the Government had estimated its produce at 3,700,000*l.* He had at the time been inclined to estimate it at nearer 6,700,000*l.* He now found, however, that even that was an under estimate, as the tax appeared, according to the return for the last quarter, to be likely to yield 7,600,000*l.* or 7,500,000*l.* Now, what he wanted to ascertain was whether they might take the last quarter as a fair average for the year, or whether it contained any portion of the two quarters immediately preceding it. He wished for an answer before the holydays.

The Duke of *Wellington* said he would make inquiry.

Lord *Wharncliffe* said he apprehended that the last quarter to which the noble and learned lord had referred did in fact contain the half year's tax, but a considerable portion of the last part of the half year was not yet paid up. He spoke, however, in the rough, and without being particularly informed upon the point.

Their Lordships adjourned.

HOUSE OF COMMONS,

Thursday, April 6, 1843.

Minutes. Bills. *Private.—Reported.*—St. Pancras Churches; Earl of Leicester's Estate.

3° and passed: Northern and Eastern Railway.

Petitions Presented. By Sir R. H. Inglis, and Mr. Christopher, from Denbigh, Norwich, and Alford, against the Ecclesiastical Courts Bill.—By Messrs. Thorneley, W. Williams, and Sir H. Douglas, from Kettering Higham, and Liverpool, for the Immediate and Total Repeal of all Corn and Provision Laws.—By Messrs. Cayley, Busfeild, Ord, Hawes, Brotherton, M. Phillips, Hindley, Aldam, Scrope, Ryder, Hume, Dr. Bowring, Captain Plumridge, and Lord Worsley, from a great number of Places against the Educational Clauses in the Factories Bill.—By Sir L. Owen, from Denbigh, against the Union of the Sees of St. Asaph and Bangor.—By Sir R. H. Inglis, from Condover, and Purton, for Church Extension.—By Mr. Macaulay, Mr. Aglionby, and Mr. P. Stewart, from Port Glasgow, Renfrew, Greenock, Glasgow, Paisley, Saxe Bannister, and Edinburgh, for Systematic Colonization.—By Mr. Neeld, from Torrington, Highworth and Swindon, and Market Harborough, against the Registration Act.—By Mr. C. Bruce, from New Craighall, Sherriffhall, Larbert, and Bothkenner, for Repeal of the Mines and Collieries Act.—From East Ashford, for the Repeal of the Beer Act.—By Sir R. H. Inglis, and Lord Bernard, from a number of Places, against any further Grant to Maynooth College.—From Bradford, for the Repeal of the Catholic Emancipation Act.—From Hunslet, against the Turnpike Roads Bill.—From Spilsby, for Amending the Parochial Assessments Act,—From Tenby, for Amending the Municipal Corporations Act.

THE CHURCH OF SCOTLAND.] Mr. *H. Johnstone* would ask his right hon. Friend, the Secretary of State for the Home Department, the question of which he had given notice. Her Majesty's Government had declared their opinion that the Church Courts in Scotland had the power, in considering the qualifications of presentees, to judge of their suitableness for the particular parishes to which they were presented; and unquestionably this had very generally, throughout Scotland, been understood to be the law. Within the last few days, however, an opinion of a different nature had been expressed by the highest legal authorities in England, who held that the Church Courts had no power to inquire into anything that does not relate to the literature, morals, and doctrine of a presentee. This was calculated to occasion the utmost doubt and anxiety in the minds of many conscientious members of the Church of Scotland, and greatly to aggravate all the difficulties and dangers which beset that Church at the present moment. He would, therefore, ask whether her Majesty's Government had it in contemplation to introduce any bill to do away with these doubts, and to secure to the Church of Scotland these powers, so essential to her peace and constitution?

Sir *J. Graham* was anxious to give a distinct answer to the question, the importance of which he fully felt and fully admitted. He would state that he adhered to the exposition of the law relating to the settlement of ministers in Scotland as it was contained in the letter written by him to the Moderator of the General Assembly. That letter had the general assent of all his Colleagues whom he had consulted upon the subject; and he had likewise taken the opinion of the Lord Advocate of Scotland with respect to the law. To the principles contained in that letter he still adhered; and he did not see anything since that letter was written, or since the debate which had lately taken place upon the subject, which could in any material way alter the circumstances. He was inclined to attend with great respect to the opinions expressed, even though in debate, by the noble and learned Lords in the other House, and he was still more disposed to admit the weight of the judgment which had been pronounced in the Auchterarder case. The *obiter dicta* in the other House were in accordance with the *obiter dicta* of the judgment. He considered, then, that the questions respecting the law were set at rest, and as to the judgment in the Auchterarder case, nothing was determined in the last resort except that the Veto Act was illegal. He repeated, therefore, that he and his Colleagues adhered to the opinions expressed in the letter respecting the induction of ministers into benefices, and as no alteration of circumstances had since taken place, there was no intention on the part of the Government to propose any legislative measure upon the subject at present, and he would assure the House that any legislative measure which her Majesty's Government might propose would be framed upon the principles set down in the letter. The Government would reserve to itself the right of judging as to the time and the opportunity of proposing any measure in the event of their thinking fit to do so; but he would again repeat, that any measure so brought forward, would be in strict conformity with the principles contained in the letter, and the *obiter dicta* of the Auchterarder case.

SYSTEMATIC COLONIZATION.] Mr. *C. Buller* spoke as follows:* Sir, I cannot enter upon the subject which I have undertaken to bring before the House to-night, without asking its indulgence on the ground of the unfeignedly painful consciousness which I have of my very small personal claim to attention, and of my utter inability to do justice to the magnitude of my subject. It would be most unjust to the House were I to allow it to be supposed that the grave and difficult nature of the question which I propose to bring before it, and its want of connection with party feelings and party interests, will at all indispose it to yield me its kind and patient attention. I must say, in justice to the present House of Commons, with the majority of which I have seldom the happiness of voting, that however I may deplore the violence of party spirit to which we occasionally give way, I never sat in any Parliament which has shown itself so conscious of the deteriorating character of our party strifes, and so desirous to make amends for its indulgence in them by every now and then giving a calm attention to matters of public concern, beyond and above the low domain of party. If it were not so, indeed, we should be culpable beyond our predecessors. For these, in truth, are times in which the most thoughtless can hardly fail, every now and then, to have a suspicion that the events that are passing around us, and in which we bear a part, involve consequences of wider scope and greater moment than the interests of political rivalry. Amid the very clash and tumult of party strife in which we, like those who have gone before us, are too apt to concentrate our energies and thoughts, we cannot help being, every now and then, conscious of such heavings of the soil on which we tread as to compel us to believe that around us are fearful agencies at work that threaten the solidity of the very framework of society. We have of late had warning enough of the necessity of looking to the material condition of the country, from the existence of distress of an unusual extent, duration, and severity. Owing, too, to inquiries which we never had the wisdom or the boldness to make before, we are now in possession of a fearful knowledge of the moral and intellectual state of the great masses of our people. And from such events as the disturbances of last year, we know well what effects physical distress and moral neglect have combined to produce in the temper of the masses, and how terrible is the risk to which we are exposed from this settled, though happily as yet undisciplined disaffection? With such matters as these fresh in our memories, and reflected in our apprehensions, we should, indeed, be possessed by some judicial madness were we to take no thought of the condition of the people, or to dismiss from our consideration any schemes suggested with a view of bettering it, until we had proved their insufficiency, or exhausted their efficacy. I do not believe, however, that there ever took place in the House a debate calculated to fill the public mind with such despair as that which was raised by my noble Friend, the Member for Sunderland, when he brought forward his motion on the distress of the country, in a speech showing so accurate and comprehensive a knowledge of the state of the country, and so wise an appreciation of the immediate remedy, that I cannot but regret that he has left me anything to do which might legitimately have been made a part of his remedial plan. For what was the result of that debate? An universal agreement as to the existence, and even the intensity of the mischief—an entire disagreement as to the remedies proposed. No one ventured on that occasion to deny the fact of very severe distress; but, at the same time, whatever measure was proposed for the relief of it was negatived by a majority which proposed no remedy of its own. The view which I take of the existing evil, and of the appropriate remedy, would so much more be obscured than strengthened by any exaggeration, that I must guard myself against being supposed to represent the difficulties of the country as either unparalleled or desperate. It admits of no doubt, that even after so long and severe a distress as that which has for many years hung over every class and interest in the empire, we are actually a richer people, with more of accumulated wealth, more of the capital of future commerce, than we ever possessed at a former period. But still, without any exaggeration—without believing that our resources are less than they used to be—without desponding for the future, it cannot be denied that this is a period in which wealth, though actually greater, is growing at a less rapid rate than before—that it is a period of depression and stagnation—that a smaller amount of useful and profitable enterprises are being carried on now than five or six years ago—that there is less employment for capital, and that business brings in smaller profits—that there are more people out of employment, and that the wages of those who are employed are less than they used to be. The great increase of poor-rates within the last year or two, owing to no disposition to relax the administration of the law, is an unequivocal proof of suffering in the labouring class; and the falling-off of the revenue from customs, excise, stamps, and taxes, furnishes as undeniable evidence of a diminution of the comforts of the people; and though there is not the slightest ground for fearing ruin as a nation, there is evidently an amount of individual suffering, so wide and so severe, that we cannot contemplate its existence without pain, nor its prolonged duration without alarm. There is no denying that the present distress is not that of any simple class interest, or branch of industry. It can therefore be the result of no partial cause. And it has lasted so long, that there is no ground for attributing it to temporary causes, or hoping that it may cease when they shall have ceased to operate. I do not deny the influence of temporary causes in producing the present very severe distress. I admit, with Gentlemen opposite, that successive bad harvests, wars, unsettled commercial relations, the monetary and commercial derangements of other countries, particularly the United States, and an undue impulse to speculation, together with the consequent disastrous reaction, have undoubtedly combined to disturb our commerce; and I think it impossible to deny that, had these causes not been in operation, the distress which we lament would have been different in character and in intensity. But, on the other hand, I do not think that it has been shown that the operation of these temporary causes can be taken as a satisfactory solution of the whole of our distress. I think it clear that, besides these, there have been at work more permanent causes of distress; and that, in fact, the temporary causes are but forms in which the permanent evils of our state have exhibited themselves. For instance, much of the distress has been ascribed to over-production. It has been asserted, that during the entire period of distress, with falling prices and markets becoming, day by day, flatter and flatter, this insane energy of over-production went on building more mills, multiplying fresh powers of machinery, and adding fresh heaps to the pre-existing accumulations of unsaleable wares. To a certain extent there is, I fear, too much reason to admit this account of the history of our trade, and to believe that even after the long period of distress which we have gone through, it is too probable that—instead of relief being afforded in the most obvious manner, namely, by low prices having diminished production, and the supply of our goods having, therefore, been reduced to an equality with the demand,—production having, in fact, gone on under the pressure of low prices, the supply of many kinds of goods is now almost, if not quite, as redundant as ever. But I cannot understand how this can be regarded as a full explanation of the origin of the distress. The alleged over-production may have laid the foundation for a greater future distress; but I cannot conceive how it can be made out, under the circumstances in which it occurred, that distress would have been avoided, had over-production not taken place. Can it be alleged that, during this period of over-production, capital or labour were withdrawn from their ordinary occupations? Did any trade or enterprise of any kind suffer from the diversion of capital into channels in which more than ordinary profits were expected? Was the over-production carried on by means of capital borrowed from foreigners? Were the labourers taken from the fields, or the ordinary business of trade, to work in the cotton-mills? Or were foreign labourers imported into this country to supply the scarcity of English hands? Why, it is notorious that, during the last two or three years, we were lending money to the foreigner; that there has been a considerable emigration of labourers; that after all this, and all the over-production of which you speak, there never was so much money lying idle; and that our workhouses were getting crowded with able-bodied men, who could not get employment. If the mills, of which so much complaint is made, had not been kept in activity, the money which was required to work them would have been brought into a previously overcrowded money market; and the labourers whom they employed would have been so many more inmates of the workhouses. Is it not clear, then, that the over-production which is spoken of, however it may possibly aggravate future distress, has, in fact, only given a precarious, may be, ultimately, a mischievous employment; but still an employment which would not otherwise have been afforded to English capital and labour? If there had been no over-production, there would have been distress—different, perhaps, in form and in results—but still distress; for there would have been an additional amount of capital and labour unemployed. Your temporary cause, in this instance, instead of solving the whole problem, points us merely to permanent causes, which must be comprehended and removed ere we can hope to remove the sufferings of the people. That you cannot explain the existing distress by temporary causes alone, is evident from the state of things in another country, in which these causes have operated in an even greater degree than here, without producing anything like the suffering which has been felt here. Whatever shocks our trade has experienced during the last few years, no one can compare them for severity with those which have been felt in the United States. Since 1836, the history of the trade of the United States has consisted of a series of crises, with intervals of stagnation.

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* From a corrected report.

"I doubt," (says Mr. Everett, in the wise and feeling answer which he recently made to a deputation of holders of State Stock); "I doubt, if in the history of the world, in so short a period such a transition has been made from a state of high prosperity to one of general distress, as in the United States, within the last six years."

And yet, has there been there any of what we should call distress among the quiet traders and artizans? of any inability to employ capital with ordinary profit? Or any general want of employment for labour? Of any great depression of wages? Or any thing which we should call the extreme of destitution? Have even the unscrupulous demagogues of their hustings or their press ventured to describe such sad scenes as those which official inspection as shown to have been but too frequent at Bolton and Stockport? Have you heard in that country of human beings living huddled together in defiance of comfort, of shame, and of health, in garrets and in cellars, and in the same hovels with their pigs? Have you heard of large and sudden calls on the bounty of individuals, of parishes, or of the government? Of workhouses crowded? Of even the gaol resorted to for shelter and maintenance? Of human beings prevented from actually dying of starvation in the open streets, or of others allowed to expire from inanition in the obscurity of their own dwelling-places? The plain fact is, that though hundreds of enterprises have failed, and enormous amounts of capital have been sacrificed, and credit has been paralysed, and hundreds that were wealthy at sunrise have been beggars ere the same sun was set, and thousands have been suddenly deprived of the work and wages of the day before, yet capital and labour have never failed to find immediate employment in that boundless field. That fearful storm has passed over the United States, leaving marks of tremendous havoc on its credit and wealth and progress; but the condition of the masses has never been substantially affected. How comes it that these temporary causes, which produce so frightful an amount of distress in England, do not, when acting with double and treble violence in the United States, produce a tithe of the suffering? Does it not show that in this country the real mischief lies deep, and is ever at work? And that the temporary causes to which you ascribe temporary distress are of such fearful efficacy only because they aggravate the effects of causes permanently depressing the condition of the people. I think, Sir, that we cannot contemplate the condition of this country without coming to the conclusion that there is a permanent cause of suffering in the constant accumulation of capital, and the constant increase of population within the same restricted field of employment. Every year adds its profits to the amount of capital previously accumulated; and certainly leaves the population considerably larger at its close than it was at its commencement. This fresh amount both of capital and population have to be employed; and if no further space for their employment be provided, they must compete for a share of the previous amount of profits and wages. The tendency of this cause to reduce both profits and wages is undoubtedly counteracted by what has fortunately been the still greater tendency of increased demand from foreign countries, of discoveries of fresh products of nature, and of improvements in various processes of art, especially in agriculture, to enlarge the field of employment; so that, in fact, the condition of the great mass of our countrymen has, as regards mere physical circumstances, indisputably gone on improving from century to century since the Norman conquest. But it is as indisputable that this enlargement of the field of employment, though in the long run greater, is not so steady as the growth of capital and population; and that during the intervals that elapse ere fresh employment is found, competition, in a restricted field, oftentimes reduces both wages and profits, and occasions periods of distress. In this country, since the peace, there has been an immense accumulation of capital, of which great part has, no doubt, been turned to excellent account in extending our trade and manufactures; in improving our agriculture; in covering the country with public works and private dwellings; and in bringing within reach of the humblest of our people comforts which formerly only the wealthy could command. But, over and above this, there has been a further accumulation of capital for which no profitable employment could be found;

and which has consequently been thrown away in the most unsafe investments—lent to every government that chose to ask us for loans—sunk in South American mines, or fooled away in the bubble speculations of the day. In loans to foreign countries, I have heard that a sum so large has been sunk that I fear to repeat it; and of this a great part may be regarded as absolutely lost, owing to the dishonesty of the debtor states. Such speculations are the inevitable result of an accumulation of capital, which there are no means of investing with profit; and of course the failure of such speculations narrows the field of employment still more, by producing a general unwillingness to embark even in safe enterprises. We are now in one of those periods of stagnation of trade, while millions by which it could be profitably carried on are lying idle in the coffers of our capitalists. The general complaint is that no man can find a safe, and at the same time profitable investment for money; that the rate of interest on private security is lower than it was ever known; that the price of public securities keeps rising—not because the country is prosperous—but because the universal stagnation and want of confidence prevent men from investing their savings in any other way; that the profits of business also are very low; and that every kind of business is more and more passing into the hands of great capitalists, because they can afford, on their large amounts, to be content with a rate of profit, at which the smaller capital would not produce a livelihood. This state of things is the result of having more capital than you can employ with profit; and the cry of distress to which it gives rise will continue as long as capital continues to accumulate in a restricted field. No one will question the fact that there is a most severe competition among labourers: that from the highest to the lowest occupation of human industry, almost every one is habitually overstocked; that in all there is the utmost difficulty of getting employment; and that the gains of some, if not of every class, are diminished by the competition of redundant labour. The liberal professions are more overstocked than any others. Gentlemen of the first station and fortune find a difficulty in knowing what to do with their younger sons; and you hear every day of the sons of gentlemen entering into occupations from which their pride in former times debarred them. Among the middle classes you hear the same complaints. There is the same intense competition amongst tradesmen, and notoriously a most severe competition amongst farmers. And the competition of educated men is nothing in comparison with the severity of that competition which exists amongst educated women, who are, unhappily, compelled to maintain themselves by their own exertions in that very limitted range of employments in which our manners allow them to engage. The extent of the competition for employment among those who have nothing to depend upon but mere manual labour unhappily admits of easy and certain proof, by a reference to the broad and indisputable conclusions forced on us by statistical accounts. Since 1810 more than 6,000,000 have been added to the population of Great Britain; and for all this additional population agriculture has not supplied any, or hardly any, additional employment. Yet the condition of our agricultural labourers is anything but such as we could wish. In the course of the violent recrimination which Anti-Corn-law lecturers and farmers' friends have been lately carrying on, we have heard fearful accounts of the deplorable physical condition of the agricultural labourers—their low wages, their wretched habitations—their scanty food, bad clothing, and want of fuel. On the other hand, we have had held up to us the habitual privations to which the labourers in various trades and manufactures are subject. The perpetual strikes in various trades—the long-continued misery of such a class as the hand-loom weavers—then the dreadful facts laid open by the inquiries put in motion by the Poor-law Commissioners, and by the noble Lord, the Member for Dorsetshire, respecting the unremitting and unwholesome labour carried on in many trades—the wretched poverty, precarious existence, and mental abasesent of vast bodies of our artisans—above all, the miserable and degrading occupations to which a large portion of our population is condemned to resort, are proofs of a constant pressure of the population employed in trade and manufactures upon the means of subsistence which they afford. Look at the accounts of thousands of men, women, and children congregated together without any regard to decency or comfort in noisome sites and wretched hovels—of those who wear out their lives in the darkness of coal and iron mines, doing what is commonly considered the work of brutes, in a moral and intellectual state hardly raised above that of the mere animal—of the shirt-makers, who get 10*d.* for making a dozen shirts; and of the 15,000 milliners in this metropolis, habitually working for the scantiest wages, in close rooms, always for thirteen or fourteen hours a day, sometimes for days and nights together, nine out of ten losing their health in the occupation, and scores of them falling victims to consumption, or rendered incurably blind whenever a court mourning, or any festivity of particular magnitude tasks their powers more than usual. These are all consequences of the one leading fact, that every year that rolls over our heads brings an addition of 300,000 to the population of Great Britain and that unless in proportion to the increase of population there is a simultaneous increase of employment—unless fresh work be found for as many pair of hands as there are fresh mouths to feed, the condition of our population must sink, and there must be acute suffering. In Ireland the condition of the people is at all times more uneasy; in any crisis, their sufferings infinitely more horrible. Can this be wondered at, when we know, on the highest official authority, that in that part of the United Kingdom there are more than 2,000,000 of persons always in distress for thirty weeks in the year from want of employment. It is this constant swelling of population and capital up to the very brim of the cup that is the permanent cause of uneasiness and danger in this country; and this that makes the ordinary vicissitudes of commerce fraught with such intense misery to our population. When our condition in ordinary times is that of just having employment sufficient for our capital and population, any check to the necessary increase of employment, much more any defalcation of the ordinary sources, must be attended with absolute destitution to that large proportion of our people who can save nothing from their daily earnings, and who, if they chance to lose their present occupation, can find no other to turn to. Contrast this with the state of America. I dare say some Gentlemen may smile when I remind them of Mr. Dickens's account of the factory girls at Lowell, and their joint-stock piano-forte, and their circulating library, and the 'Lowell Offering' to which they contributed the effusions of their fancy. But he must be heartless indeed who would feel no other emotions than those of ridicule, when he contrasts with the condition of our poor operatives the degree of education, the leisure, and the pecuniary means which are indicated by the possibility of having such amusements. Why, of all these Lowell girls there is hardly one that, besides all her actual comforts, has not saved more or less of money, and who, if the factory were to fail and be broken up to-morrow, and its 20,000 workpeople discharged at an hour's notice, would not be able to fall back on those savings, and would not either find immediate employment, or, as they are generally daughters of respectable farmers, or rather yeomen, be able to return to a comfortable home, from which her parents had very reluctantly spared her assistance in domestic labours. But when such failures happen in this country the blow must, from the necessity of the case, fall for the most part on labourers, who have saved little or nothing, find no new employment open to them, and if, they return home, do so only to share want with their families, or to bring that family with themselves, on the parish. Hence that extreme misery which follows in this country on any sudden cessation of a particular employment; for instance, the horrible destitution in the Highlands, to which our attention was called two or three years since by the hon. Member for Inverness-shire, and which arose from the substitution of barilla for kelp in our manufactures, and the sudden stoppage of the herring fishery. Hence comes that intense suffering which presses on particular localities when the course of events changes the sites of particular trades, as when the silk manufacture moved from Spitalfields to the north, or the woollen manufactures passed from Wiltshire and Somersetshire to Yorkshire. Hence the temporary sufferings that ensue to large classes of labourers and artisans when some change of fashion, or other accident deprives them even for a while of the usual demand for their labour; and hence the more permanent and entire distress envelopes those whose particular employment is every now and then superseded by some invention of machinery most useful to the public at large, but utterly ruinous to those whom it displaces. And hence it is that causes which hardly exercise a visible effect on the labouring population of the United States, involve large bodies of ours in the most intense suffering. There the labour and capital which are displaced from one employment find every other deficient in both, and are immediately absorbed in them, to the great advantage of the community. Here they are thrown back upon other employments all previously overstocked, and hang dead weights on the productive industry of the country. And the same considerations will enable us to account for the perplexing and contradictory phenomena of our present condition, and show us how it happens that we hear a cry of stagnation of business, of want of employment, and extreme destitution throughout the industrious classes, at the same time that we see around us the most incontestable evidences of vast wealth rapidly augmenting; how it is that in this country there are seen side by side, in fearful and unnatural contrast, the greatest amount of opulence, and the most appalling mass of misery—how it is that the people of this country appear, when contemplated at one and the same time, from different points of view, to be the richest and the neediest people in the world. When I speak of distress and suffering among the industrious classes of this country, I must guard against being supposed to mean that I regard their physical condition as worse than it used to be. Taking the condition of the whole people of Great Britain for periods of eight or ten years at a time, I feel little doubt that as far as external causes go, they are, on the whole, better off than they used to be. But even these assertions of a general improvement in the external condition of the people must be qualified by the admission, that there appears to be a class positively more, though comparatively less numerous, which suffers fearfully; and that the rear of the community, in the present day, seems to lag further behind, both morally and physically than it used to do of old. I doubt whether there ever before was in this country such a mass of such intense physical suffering and moral degradation as is to be found in this metropolis, in the cellars and garrets of Liverpool and Manchester, and in the yet more wretched alleys of Glasgow; and I have very little doubt that there never before prevailed in any portion of our population, vice so habitual and so gross as is there to be found. The general comfort of the great body is increased; but so also is the misery of the most wretched. We witness constantly more of the extreme of suffering; we have a positively larger number of the dangerous classes in the country. I cannot but think, too, that the condition of the productive classes is more precarious than it used to be, and that great bodies of them run more frequent risk of sudden and total destitution than they used to do. It is obvious that this must be a consequence of that extreme subdivision of employment which is one of the results of increasing civilization. The more you confine the workman to one particular process or occupation, the more exposed you are to the sudden and complete displacement of the persons so employed by some improvement or change of fashion, or other cause that dispenses with their services. But it is a perfectly different kind of change in our working people which induces me to regard the occurrence of periods of extreme distress as both far more afflicting to themselves and dangerous to others, than it used to be. What matters it that the scourge be no heavier, or even that it be somewhat lighter, if the back of the sufferer be more sensitive? and what avails it that the external condition of our people is somewhat improved, if they feel the less evils which they have to bear now, more acutely than they used to feel the greater which they submitted to once? That they do so is obvious to any one who listens to them; that they must do so is in the very nature of things. For whatever may be the increase of enjoyments among our people, it is obvious that the standard of comfort has increased much more rapidly. Every class, when in full employment, commands a far greater amount of enjoyments than it used, and consequently every member of that class is accustomed to regard as necessary to a comfortable existence — to consider as a kind of rights, what his predecessor would have looked upon as luxuries which nothing but singular good luck could place in his way. Each class is now cognizant of the habits of those which are above it, and the appetites of the poor are constantly sharpened by seeing the enjoyments of the rich paraded before them. And, as the enjoyments of the prosperous, so are the sufferings of the distressed, better known to all than they used to be. The horrible details given in the reports to which I have had occasion to refer, reveal certainly no worse state of things than has for ages been going on in crowded cities, in poor villages, in unwholesome factories, and in the bowels of the earth. On the contrary, it seems clear, from the unvarying testimony of all witnesses, that in almost every particular, bad as these things are, they were worse formerly. But then, formerly, no one knew of them. Now, zealous humanity, now, statesman-like courage, that does not shrink from investigating and exposing the full extent of our social ills, in order to ascertain the extent of the remedy that must be provided, searches out the unknown misery, drags suffering and degradation from their hiding-places, and harrows up the public mind with a knowledge of the disorders to which we used to shut our eyes. Thus the very improvements that have taken place make lesser distresses more intolerable than greater used to be; the general elevation of the standard of comfort makes each man feel privations, to which he would have been insensible before. The increase of information respecting passing events diffuses over the entire mass a sense of sufferings which were formerly felt by few but the actual sufferers; and the irritation thus created is heightened by the contrast of luxuries, which wealth never could command before, and by a disparity between the ease of the rich and the want of the poor, such as no previous state of things ever presented. It is idle, then, when we are discussing distress to make it a matter of statistical comparison between the present and other days, and to think we disprove the reasonableness of complaint, by showing that men used to complain less, when they had less of the external means of enjoyment. Men do not regulate their feelings by such comparisons. It is by what they feel that you must measure the extent of their suffering; and if they now feel more acutely than they did the pressure of such occasional distress as has always been their lot, we must be more than ever on our guard to better the general condition of the people, and to prevent the occurrence of these periods of extreme suffering. If humanity did not induce us to do our utmost for this object, a mere politic view of our own interests would compel us; for depend upon it that the people of this country will not bear what they used; and that every one of these periods of distress is fraught with increasingly dangerous effects on the popular temper, and with increasing peril to the interests of property and order. And if you mean to keep government or society together in this country, you must do something to render the condition of the people less uneasy and precarious than it now is. I speak plainly, because nothing but harm seems to me to result from the habit which we have of concealing the apprehensions, which no man of reflection can contemplate the future without entertaining. We are beginning to know something of our own people; and can we contemplate the state of things laid open to us, without wonder that we have stood so long with safety on this volcanic soil? Does any one suppose that we can tread it safely for ever? I need not detail to you the dangerous doctrines that circulate among the people, or the wild visions of political and social change which form the creed of millions. Such creeds are ever engendered by partial knowledge acting on general ignorance. Circulating undisturbed among the masses, they start forth into action only when distress arrays those masses in disaffection to the law. It should be the business of a wise and benevolent Government to dispel such evil dispositions by enlightening its people, and diffusing among them the influence of religion and knowledge; but it should also be its care to prevent the existence of that distress, which irritates the existing ignorance of the people. While, therefore, I go heartily along with the noble Lord, the Member for Dorsetshire, and others, who grapple with the general ignorance as the giant evil that oppresses the country; while I feel convinced, that never again can the Government of this country rest securely on any other support than that afforded by the general diffusion of sound instruction among the subjects; and while I look to education as the great remedy on which we must rely for removing the evils of our condition, I still say that simultaneous with our efforts for this purpose must be some efforts to better the physical condition of the people. Without relieving them from the pressure of want and the undue toil, which is now often required from them, you will in vain proffer the blessings of a higher moral state to those who can give no thought to anything but the supply of their physical wants. You will always be liable to have your most benevolent and sagacious plans thwarted by some outbreak, of which the watchword shall be, like the simple and expressive cry of the insurgents of last summer—"A fair day's wages for a fair day's work." This must be secured to honest industry ere there can be contentment among the people, or any basis for operations directed to their moral good. This you must secure for them, let me tell you, if you wish to retain your own great advantages of position and property: if you mean to uphold and transmit to your children those institutions, through which you have enjoyed at once the blessings of freedom and order: if you hope to escape the tremendous wrath of a people whom force will vainly attempt to restrain, when they have utterly lost all reliance on your power or inclination to care for their well-being. Some improvement of their condition you must secure for the people, and you must secure it before long. But that you never will do until, by laying open a wider field of employment, you can succeed in diminishing that terrible competition of capital with capital and labour with labour, which is the permanent cause of distress. It is with this view that I propose that you should investigate the efficacy of colonization, as a remedy against the distress of the country. I say as a remedy, because I do not bring it forward as a panacea—as the only, as an infallible, remedy for every ill—but as one among many remedies, which would be valuable, even if they could not go the length of entirely removing distress, provided they enabled us to render its recurrence less frequent, its operation less intense, and its pressure less severe. I say distinctly that you will not effect your purpose of permanently and fully bettering the condition of the people, unless you apply a variety of remedies directed to the various disorders of their present state. But confining myself to the economical evil that arises solely from that one cause, of which I have laboured to describe the operation, namely, the competition both of capital and labour in a restrictive field, I propose colonization as a means of remedying that evil by enlarging the field of employment. With other remedies of an economical nature, that have many advocates in this House and in the country, I come into no collision: because the mode in which they propose to attack the evil is not that of enlarging the field of employment. Some Gentlemen urge the relaxation of the new Poor-law as a measure of justice to the labouring class; while others, with the same view, insist on a rigid execution of its provisions. But the question of the administration of the Poor-law is obviously a question relating merely to the distribution of the existing produce of the country, and can have no direct connexion with that of increasing its amount. Another remedy was proposed the other night, which is certainly more akin in character to the one that I urge—namely, the allotment of small pieces of land among the labouring class. But this I shall not now discuss, because the matter was disposed of the other night by an apparently general concurrence in what I regard as the sound view of the allotment system; and that is, that it may be made of great utility to a large portion of the labouring class, if had recourse to only as a means of supplying additional comforts and occasional independence to labourers, whose main reliance is on wages; but that it would entail the greatest curse on our labouring population, if they were ever brought to regard the cultivation of small allotments as their principal means of subsistence. There is, however, one remedy suggested for the relief of distress, which proposes to effect its end in the same manner as that which I advocate, namely, by opening a wider field of employment to the labour and capital of the country. This it is proposed to do by freely admitting the produce of foreign countries; supporting our labourers by all the additional supplies of food which we can draw from abroad; and exchanging for that food and other produce the manufactures wrought by the labourers who subsist on that imported food. Sir, in the principles and objects of the friends of Free-trade I fully concur. I not only think that we ought to do what they propose, but I am ready to admit that the first and most simple and most effectual mode of enlarging the field of employment is by trading on the freest terms with all the existing markets in the world. I propose colonization as subsidiary to Free-trade; as an additional mode of carrying out the same principles, and attaining the same object. You advocates of Free-trade wish to bring food to the people. I suggest to you at the same time to take your people to the food. You wish to get fresh markets by removing the barriers which now keep you from those that exist throughout the world. I call upon you, in addition, to get fresh markets, by calling them into existence in parts of the world which might be made to teem with valuable customers. You represent Free-trade as no merely temporary relief for the distresses of our actual population, but as furnishing outlets of continually extending commerce to the labour of our population, whatever its increase may be. In these anticipations I fully concur; and I would carry out the same principle, and attempt to make yet more use of these blessed results, by also planting population and capital in the vast untenanted regions of our colonies; and calling into existence markets, which, like those now in being, would go on continually extending the means of employing an increasing population at home. I must not, therefore, be understood to propose colonization as a substitute for Free-trade. I do not vaunt its efficacy as superior; indeed I admit that its efficacy in extending employment must be slower. But, on the other hand, it will probably be surer; and will be liable to no such interruptions from the caprice of others, as trade with foreign nations must always be subject to. I grant that the restrictive policy of other nations is, in great measure, to be ascribed to the influence of our example; and I am inclined to concur in the hope that the relaxation of our commercial system will be the signal for freedom of trade in many other countries. But still we are not sure how soon this effect may be produced; how long an experience may be required to convince our neighbours of the injurious operation of monopoly; or how soon or how often the policy of protection may reappear in some shape or other, whether finding favour with the fantastic minds of statesmen, or the capricious feelings of nations, or dictated by political views totally independent of merely economical considerations. But of the legislature of your own colonies—of the fiscal policy of the different portions of your own empire—you can always make sure, and may rely upon being met by no hostile tariffs on their part. The commerce of the world is narrowed now not only by our own legislation, but by that of other powers; the influence of restrictive views is extending and acquiring strength among them. Within the last few years no less than eight hostile tariffs have been passed against us, more or less narrowing the demand for our manufactures. I say, then, that in the present day the restrictive policy of other nations must enter into our consideration as an element, and no unimportant element, of commercial policy; and, though I advise you to set the example of free-trade to others, and extend your intercourse with them to the very utmost, still at the same time take care to be continually creating and enlarging those markets which are under the control of no legislation but your own. Show the world that, if the game of restriction is to be played, no country can play it with such effect and such impunity as Great Britain, which, from the outlying portions of her mighty empire, can command the riches of every zone and every soil and every sea that the earth contains; and can draw, with unstinted measure, the means of every luxury and the material of every manufacture that the combined extent of other realms can supply. This we have done, or can do, by placing our own people in different portions of our own dominions; secure that, while they remain subjects of the same empire, no hostile tariff can by possibility exclude us from their markets; and equally secure that, whenever they shall have outgrown the state of colonial dependence, and nominally or practically asserted, as they will do, a right to legislate for themselves, our hold on their markets will be retained by that taste for our manufactures which must result from long habit, and by that similarity of customs and wants which kindred nations are sure to have. Under these impressions I direct your attention to colonization as a means, I should say not merely of relieving distress, but of preventing its recurrence, by augmenting the resources of the empire and the employment of the people. The suggestion of this remedy appears to be the simple result of the view of the evil, which I have described as the permanent cause of distress in this country. Here we have capital that can obtain no profitable employment; labour equally kept out from employment by the competition of labour sufficient for the existing demand; and an utter inability to find any fresh employment in which that unemployed capital can be turned to account by setting that unemployed labour in motion. In your colonies, on the other hand, you have vast tracts of the most fertile land wanting only capital and labour to cover them with abundant harvests; and, from want of that capital and labour, wasting their productive energies in nourishing weeds, or, at best, in giving shelter and sustenance to beasts. When I ask you to colonize, what do I ask you to do but to carry the superfluity of one part of our country to repair the deficiency of the other: to cultivate the desert by applying to it the means that lie idle here:—in one simple word, to convey the plough to the field, the workman to his work, the hungry to his food? This, Sir, is the view that common sense suggests of the primary benefits of colonization. When Abraham found that the land could not support both him and Lot, "because their substance was so great," his simple proposal was, that they should separate, and one take the right hand and the other the left. The same view, as well as the sad necessities of civil strife, prompted the Greeks and Phœnicians to colonize. When the youth of the city could find no land to cultivate in the narrow precincts of its territory, they banded together, crossed the sea, established themselves in some vacant haven, and thus at length studded the shores of the Mediterranean with cities and civilization. And in later times this has been the simple and obvious view that the pressure of population on the means of subsistence has suggested to the advocates of emigration in this country. A vast number of persons capable of working can find no employment here. Their competition beats down wages; but, when wages have been reduced to the utmost, there are still superfluous labourers, who can get no employment, and who must either starve or depend on charity. A number of the latter are induced to emigrate, and are established in Canada or Australia, at the cost, at the outside, of one year's subsistence in the workhouse. By their absence, the poor-rate is immediately relieved: if the emigration be sufficiently extensive, the due relation between employment and labour is restored, and the wages of those who remain at home are raised, while at the same time the emigrant exchanges a life of precarious dependence and squalid misery for plenty and ease in his new home. If this were all the good that could result from the change, it would still be a great gain. I know that it would require a great effort to remove so large a proportion of our population as materially to affect the labour-market. At the end of every year, the population of Great Britain is at least 300,000 more than it was at the beginning. With the best imaginable selection of emigrants, you would have to take out at least 200,000 persons every year, in order to keep your population stationary; and even such an emigration would not be sufficient, because the momentary withdrawal of labour would give an impulse to population, and ere long supply the vacuum thus created. Still, even with these limited results in view, I should say it would be most desirable that emigration should be carried on, and on a large scale, were it only that we might at any rate turn a large number of our people from wretched paupers into thriving colonists; that we might enable them to transmit those blessings to a posterity which they could not rear at home; and that the mere temporary relief—which is, I admit, all that could result from a sudden reduction of numbers—might be made use of for a breathing-time, in which other remedies for the condition of the people might be applied with better chance of success than it would be possible to expect under the actual pressure of redundant numbers. But the whole, nay, the main advantage of colonization, is not secured by that mere removal of the labourer from the crowded mother country, which is all that has been generally implied by the term emigration. His absence is only the first relief which he affords you. You take him hence to place him on a fertile soil, from which a very small amount of his labour will suffice to raise the food which he wants. He soon finds that by applying his spare time and energies to raising additional food, or some article of trade or material of manufacture, he can obtain that which he can exchange for luxuries of which he never dreamed at home. He raises some article of export, and appears in your market as a customer. He who a few years ago added nothing to the wealth of the country, but, receiving all from charity, simply deducted the amount of food and clothing necessary for existence and decency from the general stock of the community—he, by being conveyed to a new country, not only ceases to trench upon the labour of others, but comes, after providing his own food, to purchase from you a better quality and larger quantity of the clothing and other manufactures which he used to take as a dole, and to give employment and offer food to those on whose energies he was a burthen before. Imagine in some village a couple of young married men, of whom one has been brought up as a weaver, and the other as a farm-labourer, but both of whom are unable to get work. Both are in the workhouse; and the spade of the one and the loom of the other are equally idle. For the maintenance of these two men and their families, the parish is probably taxed to the amount of 40*l.* a year. The farm-labourer and his family get a passage to Australia or Canada; perhaps the other farm-labourers of the parish were immediately able to make a better bargain with their master, and get somewhat better wages; but, at any rate, the parish gains 20*l.* a-year by being relieved from one of the two pauper families. The emigrant gets good employment; after providing himself with food in abundance, he finds that he has therewithal to buy him a good coat, instead of the smock-frock he used to wear, and to supply his children with decent clothing, instead of letting them run about in rags. He sends home an order for a good quantity of broad cloth; and this order actually sets the loom of his fellow-pauper to work, and takes him, or helps to take him, out of the workhouse. Thus the emigration of one man relieves the parish of two paupers, and furnishes employment not only for one man, but for two men. It seems a paradox to assert that, removing a portion of your population enables a country to support more inhabitants than it could before; and that the place of every man who quits his country because he cannot get a subsistence, may speedily be filled up by another whom that very removal will enable to subsist there in comfort. But the assertion is as true as it is strange. Nay, the history of colonies will show that this theoretical inference suggests results which fall inconceivably short of the wonders which have been realized in fact; and that we may fairly say, that the emigration of Englishmen to our colonies has, in the course of time, enabled hundreds to exist in comfort for every one who was formerly compelled to quit his country. The settlement of the United States was originally effected by a few handsful of Europeans. Deducting those who perished in the hardships of early settlement, and those who were not of an age or kind to add to the population, the original stock of European emigrants, from whom the present population of the United States are derived, must have been a very small number. This fraction has now swelled to no less a number than thirteen or fourteen millions of white people. If the United States had never been settled and our emigrants had stayed at home, do you think it possible that the population of the United Kingdom would have been larger by thirteen or fourteen millions than it now is?—that we should have had and maintained in as good a state as now forty millions of people within these islands? Is there any reason for supposing that we should now have had any additional means of supporting the addition of the original emigrants? Nay, is it not absolutely certain that without colonizing the United States, we should not at this moment have been able to maintain anything like the population which at present finds subsistence within the limits of the United Kingdom? How large a portion of that population depends on the trade with the United States, which constitutes one-sixth of our whole external trade? Without that trade, what would have been the size, and wealth, and population of Manchester, and Liverpool, and Glasgow, and Sheffield, and Leeds, and Birmingham, and Wolverhampton—in fact, of all our great manufacturing districts? What would have been the relative condition of those agricultural districts, whose industry is kept in employment by the demand of that manufacturing population? What that of this metropolis, so much of the expenditure of which may indirectly be traced to the wealth created by the American trade? In fact, what would have been the wealth and population of this country had the United States never been peopled? Considering all the circumstances to which I have adverted, I think it will be admitted that it is no exaggeration to say that, taking the United Kingdom and the United States alone, the fact of colonizing that single country has at least doubled the numbers and wealth of the English race. And can it be doubted that if, at the various periods in which the colonization of the United States was effected, an equal number of persons had gone to some other vacant territory, as extensive as the peopled portion of the United States—and many more than such a number, be it observed, perished in abortive attempts at settlement in America—I say if such a number had so settled elsewhere, is there any reason to doubt that another great nation of our race, as populous, as wealthy as the United States, might have been in existence, might have added another eight millions to our export trade, and might have supported a second Lancashire in full activity and prosperity in our island? See, then, what colonization has done even when carried on without vigour, purpose, system, or constancy on the part of the mother country; and judge what would be its results, and with what rapidity they might be attained, if you were to colonize with system and vigour. They are results not to be measured by the relief given to the labour-market or the poor-rate; but vast as the consequences implied in the founding of great commercial empires, capable of maintaining millions of our population by creating a demand for their labour. When I propose colonization I think it wholly unnecessary to enter into nice calculations of the exact number of persons whom it is necessary to withdraw annually, in order, as they say, to keep down population; because, as I have attempted to show, the numbers withdrawn from us measure but a very small portion of the good of colonization, which mainly consists in the demand created for our labour and capital by the people in our colonies; and which benefits us not in those merely whom it takes away, but in those whom it enables to exist here in comfort. I look to the great, the perfectly incalculable extension of trade which colonization has produced, and which, with all the certainty of calculation from experience, it may be expected to produce again. And such ground for expecting such results will surely justify my regarding it as that remedy for the present causes of our distress which is at once the most efficacious, and the most completely at our command. I have directed your attention to the United States alone—the greatest colony, it is true, the world ever saw, but by no means the only proof of my assertion of the immense extension given to trade by planting settlers on new and ample fields. Compare the trade which we have with the countries of the Old World with that which we have with the colonial countries, and see how vast is the proportion which we carry on with the latter. I hold in my hand some calculations from the returns laid before the House respecting the trade and shipping of this country. The first is a statement of the declared value of British and Irish produce and manufactures exported from the United Kingdom in 1840, distinguishing the exports to old countries from those to our own possessions, and countries that have been colonies. I find that the total amount of these exports is —to foreign countries 22,026,341*l.*, while that to our own possessions, and to countries which still belong to other powers, or have recently been colonies, amounts to no less than 28,680,089*l.*, or nearly as four to three. Take the employment given to our shipping, and you will find the results very remarkable; for while the amount of British tonnage employed in the trade with foreign countries appears, from a similarly constructed table which I hold in my hand, to be 1,584,512 tons, that employed in trade with our foreign possessions and the colonial countries amounts to 1,709,319 tons. With respect to shipping, indeed, the result is more remarkable if we confine ourselves merely to our own colonies, for it appears that the trade of the three great groups of colonies alone—those of North America, the West Indies, and Australia—employed, in 1840, 1,031,837 tons, or nearly one-third of the whole British tonnage cleared outwards. I mention these results merely to show the great positive amount of our present dependence on colonial trade. I know that I must be careful what inferences I draw from these facts. I am liable to be met by the answer, that all this difference between our intercourse with the two kinds of countries arises, not from any greater capacity of demand in colonial countries, but from the artificial restrictions that misdirected legislation has placed on the natural course of trade; that we have excluded foreign goods, and foreign countries have excluded our manufactures; while our colonies, on the contrary, have been compelled to take our manufactures and use our shipping. To a certain degree, no doubt, there is truth in this reply; and it cannot be doubted that our own folly has been the main cause of restricting the demand for our manufactures among foreign countries. But I think when you come to look more minutely into the details of the two kinds of trade, you will find that there is more than even legislative tricks can account for. I will take two great classes of countries, the first being the whole of the independent nations of Europe, and the second those which can properly be called colonial countries. From the latter class I exclude altogether the East Indies, and Java and Sumatra, because, in fact, they are old settled countries, under European dominion—the Channel and Ionian Islands, because, although British possessions, they are not colonies—Mexico and Guatemala, because the greater part of their population is the old Indian population—Western Africa, which forms an important head in the returns, because, in fact, it relates to a trade, not with European colonists, but with the Negro nations of Africa—and Texas, and new Zealand, simply because no return of the exports to those countries is to be got. I have taken down the population of the different countries of each class which enter into my list, the amount of export of British produce to each, and the amount of that produce which falls to the share of each inhabitant of each country. I find that the following European nations—Russia, France, Austria, Prussia, the rest of Germany, Cracow, Denmark, Sweden, Norway, Spain, Portugal, Italy, Switzerland, Belgium, Holland, and Greece, contain altogether a population of 211,130,000; and annually import our goods to the value of 21,000,000*l*. On the other hand, our own colonies of St. Helena, the Cape, Mauritius, Australia, the West Indies, and British North America—the emancipated colonies, including the United States, Hayti, Brazil, Peru, Chili, and those on the La Plata, together with the nominal colony, but really independent island of Cuba, contain a total population of rather more than 36,000,000; and the exports of them amount to rather more than the exports to all the European States specified above, with their population of about six times as many. The average consumption of each inhabitant of the colonial countries is no less than 12*s*. a-head, while that of the European countries is only 2*s*. a-head. I grant that this proportion is very much swelled by our own colonies, of whose trade there is a kind of monopoly. Still, putting our own possessions out of the question, I find that the average consumption of our produce throughout what I have classed as colonial countries is not less than 7*s*. 3*d*. per head, being more than three and a half times as great as the average consumption of the European states, which is, as I said, 2*s*. a head. The greatest consumption of our goods in the whole world is that of no less than 10*l*. 10*s*. a head in the Australian colonies—the part of our empire in which the greatest amount of fertile land is open to the settler; in which there has of late been, in proportion to its population, the greatest fund derived from the sale of public lands; and into which there has been the greatest proportional immigration. This trade, which took less than 400,000*l*. worth of our goods in 1831, took more than two millions' worth in 1840, being increased fivefold in nine years; and it disposes of more of our goods than does the whole of our trade with Russia, with its population of 56,000,000, consuming only per head seven pennyworth of our goods. The comparison is curious in some other respects. Spain takes of our goods 9*d*. per head for her population; our worst consumer among her old colonies, Columbia, takes four times as large a proportion; whilst her colony of Cuba takes no less than 1*l*. 4*s*. 4*d*. per head, being at the rate of more than thirty times as much as Spain. Our civilized neighbours in France take to the amount of 1*s*. 4½*d*. per head; while Hayti, composed of the liberated negro slaves of that same France—Hayti, which it is the fashion to represent as having become a wilderness of Negro barbarism and sloth, takes 5*s*. 4*d*. per head, being four times the rate of consumption in France. But I think, Sir, that I may spare myself and the House the trouble of any further proof of the advantage of colonies—an advantage secured by no jealous and selfish monopoly of their trade, but resulting from mere freedom of intercourse with nations whose kindred origin makes them desire, whose fertile soil enables them to purchase, our commodities. I think I need use no further argument to show that when the cause of mischief here is the confinement of capital and labour within the narrow limits of the present field of employment, the most obvious and easy remedy is to let both flow over and fertilize the rich unoccupied soil of our dominions. Had our colonies been joined to the United Kingdom,—had it happened that instead of our conquering or discovering Canada or Australia, when we did, continents as vast and as rich had risen out of the sea close to the Land's End, or the west coast of Ireland—who can doubt that we should have taken no great time to discuss the theory of colonization; but that the unemployed capital and labour would speedily and roughly have settled the question by taking possesion of the unoccupied soil? Suppose that instead of actually touching our island, this imaginary region had been separated from it by a strait as wide as the Menai Strait; who can doubt that, in order to facilitate its cultivation, Government would have undertaken to bridge over that strait at various points? Instead of such a strait, the Atlantic and Pacific roll between us and our colonies; and the question is, as you cannot bridge over the ocean, will you think it worth your while to secure the great blessings of colonization by making arrangements for providing capital and labour with a free, cheap, and ready access to the fields in which they can be productively employed? This is the practical question to be solved. Few will dispute that colonization, when once effected, produces such benefits as I have described. But the real question is, what outlay will be requisite in order to put us in the way of receiving these benefits? And is the object, good as no one will deny it to be, worth the price we shall have to pay for it? With the estimate I have formed of the almost boundless extent of good to be anticipated from the foundation of colonies, I should be prepared to say that it would be well worth while, if necessary, to devote large funds to the promotion of extensive and systematic colonization. I should not hesitate to propose a large grant of public money for the purpose, did I not think that the most efficient mode of colonization is that which can be carried on without any expense to the mother country. Capital and labour are both redundant here, and both wanted in the colonies. Labour, without capital, would effect but little in the colony; and capital can effect nothing unless it carries out labour with it. In the United States, where there is a general diffusion of moderate means, capital is found in conjunction with labour; and the simple process of emigration is, that the labourer moves off to the Far West, carrying with him the means of stocking his farm. Here, where the labouring class possesses no property, few of the labourers who desire to emigrate can pay for their own passage; or if they can scrape together enough for that purpose, they arrive in the colony paupers, without the means of cultivating and stocking farms. The capitalist would willingly pay for their conveyance, did they, in the first place, consist of the kind of persons who would be useful in a colony; and, secondly, had he any security for their labour when he had got them to the colony. But those whom distress urges to offer themselves as emigrants are oftentimes men past their full work, often men debilitated by disease, and still more, often men so worn to one particular process as to be totally unfit to exercise, and unable to learn the employments suited to their life in a colony; and all generally want to carry with them a still greater number of women and children, of all ages, requiring care instead of adding to the stock of labourers. And then the system that used to prevail in our colonies was fatal to all working for wages. Land was to be obtained so easily, that no one would think of tilling the land of another when he could get as much as he chose for himself. Labourers, as fast as they arrived in the colony, were enabled to acquire farms for themselves; and the consequence was, that the capitalist, having no security either for the services of the man whom he might carry out, or for a supply of labour from the general body of labourers in the colony, would do nothing at all in the way of taking out emigrants. By the operation of these causes emigration used to go on in a most unsatisfactory manner; and the great purposes of colonization were in no respect attained. Numbers, it is true, emigrated; some who went to the United States, where they could get work for wages, did well. But the emigration produced no effect on the labour-market; it notoriously did not even relieve the poor-rates; comparatively little of it went to our colonies; very much of that little was of a kind to be of little service in colonial labour; and being unaccompanied by capital, often produced only extreme suffering to the emigrants, and a great dislike to emigration here. I think it may be truly said that this emigration, large in amount as it was, did very little for the colonies, and little indeed for any body, except in as far as it added to the wealth of the United States, whom the influx of Irish labourers enabled to construct those great public works which have given so amazing a stimulus to their prosperity. On the whole, emigration promised to be of little service until Mr. Wakefield promulgated the theory of colonization which goes by his name; and suggested two simple expedients which would at once counteract all the evils which I have been describing, by attracting capital as well as carrying labour to the colonies. These suggestions consisted in putting a stop to the gratuitous disposal of the waste lands of the colonies, and selling them at a certain uniform price, of which the proceeds were to be expended in carrying out emigrants, and in making a selection of young persons of both sexes out of those who were desirous of being so assisted to emigrate. It was quite obvious that such selection of emigrants would relieve this country of the greatest amount of actual competition in the labour-market, and also of those most likely to contribute to the increase of population; while it would remove to the colonies, at the least possible expense, the persons whose labour would be most likely to be useful, and who would be most likely to make continual additions to their deficient population. It was equally obvious, that under the system of selling lands, the labourers thus arriving in the colony would be unable to get land of their own until they had acquired the means of purchasing it; that they would have, therefore, to work for wages; that, therefore, the capitalist, if he paid for their passage out, might count on their labour, and they as confidently on employment; that capitalists would, therefore, be tempted to purchase, being sure that their purchase-money would provide them with that labour which is their first necessary; and that thus you might count on getting from the sale of lands the means of carrying on a large and constant emigration in the mode adapted to confer the greatest amount of benefit on the colonies. I may now speak of Mr. Wakefield's system of emigration as one of which the great principles—the sale of colonial land, the expenditure of the proceeds in carrying out labourers, and the selection of the labourers from the young of both sexes, have received the sanction of the best, as well as the most general opinion. This was not done, certainly, until after a long and uphill fight, in which it was a hard matter to conquer the apathy, the ignorance, and the prejudices of the public; and harder still to make any impression on the unimpressionable minds of men in office. But, fortunately, the system in question found, from the first, most able advocates among some of the most distinguished writers out-of-doors, as well as among some of the ablest Members of this House; among whom I must name with particular respect my hon. Friend, the Member for Sheffield, who, four years ago, brought this question before the House, in a speech which I could wish to have been heard by no one who has now to put up with mine as a substitute; my hon. Friend, the Member for Limerick, who has since been the advocate of the same views; my noble Friend, the Secretary for Ireland, who gave them his powerful aid when chairman of the committee of this House on New Zealand; together with my hon. Friend, the Member for Gateshead, and another Friend of mine, whom I am sorry to be able to mention by name—I mean Mr. Francis Baring. I should trespass too much on the time of the House were I to take this public occasion of enumerating all who have at different times given these views their valuable aid, but I must not omit the name of my lamented friend Lord Durham, who in this, as in other cases, showed his thorough grasp of every colonial question; who was an early friend of a sound system of colonization; who had the opportunity of giving official sanction to these principles in his important mission to Canada; and from whom we expected still more when this, with other hopes, was buried in his untimely grave. But it is necessary to a due understanding of the history of the question, that I should acknowledge how much we owe to others, who had the opportunity, when in office, of giving executive effect to improved principles. Among these the first place is due to my noble Friend, the Member for Sunderland, who, in Feb., 1832, when he had been about a year in office, took the first great step that the Government has taken in the right direction, by promulgating the regulations, whereby the sale of land was substituted for the old irregular habit of gratuitous grants, and the application of the proceeds to the conveyance of selected emigrants was commenced. My noble Friend, the Member for London, made the next great step when he organized the machinery of public emigration, by constituting the land and emigration commissioners, and prescribed the nature of their duties in instructions, which contain an admirable view of the general duties of a Government with respect to colonization. My noble Friend must have the satisfaction of knowing that he has left behind him a colonial reputation confined to no party; and that, among those who are interested in the well-being of our colonies and colonial trade, many of the most eager opponents of his general politics were the first to regret, that their efforts resulted in removing him from the superintendence of that department. It would be ludicrous in me to pay such a compliment to the Leader of my own party, were it not notoriously true. And I must not forget, that the noble Lord, his successor, deserves our thanks for his act of last year, of which I do not pretend to approve of the details, but which has the great merit of having fixed the disposal of colonial lands on the basis of an act of Parliament. By these aids, Sir, these views have met with such general acceptance, that I may take their elementary principles as now being the admitted basis of colonization. Hardly any man, that ever I met with, now talks of colonization without assuming, that the lands in the colonies are to be sold instead of given away; that the proceeds are to be applied to emigration; and that the emigrants are to be carried out at the public expense, and are to be selected from the fittest among the applicants. But what is even more satisfactory is, that, owing to the measures taken by our Government, these principles have received so much of a trial as at any rate shows that they are capable of producing some of the greatest results at which they professed to aim. No one can doubt, that the sale of lands, instead of deterring persons from taking them, has very greatly increased the amount, I will not say nominally appropriated, but actually taken into use. No one can doubt, that emigration to our colonies has received a very great impulse since the regulations of 1832, came into operation. Compare the emigration that took place to the Australian colonies, to which alone the system has been applied, in the eight years preceding the application of the new system, with that which has taken place since. In the first eight years the total number of persons who emigrated to these colonies was 11,711, giving an average of 1,464 emigrants a-year. In the ten subsequent years, the total emigration to the Australian colonies, including New Zealand, which had in the mean time been colonised on the same principles, amounted to 104,487, or 10,448 a-year, being an increase of more than sevenfold. Nor must you regard this as at all subtracted from the general amount of unassisted emigration, inasmuch as during the first period the total emigration to all other parts was 352,580, giving an average of 44,072 a-year; and in the second 661,039, giving an average of no less than 66,104 a-year; and this, though during a considerable portion of the latter period emigration to the Canadas was almost stopped by the disturbances in those colonies. And it is also put beyond a doubt, that the fund thus derivable from the sale of lands is a very large one. The sum raised by sales of land in Australia, during a period of nine years, beginning with 1833 and ending with the end of 1841, including the New Zealand Company's sales, which are on the same principle, and may be reckoned as effected by the Government, through the agency of a company, amounts to a few hundreds short of two millions; a sum saved out of the fire—a sum which has been received without making anybody poorer, but actually by adding immensely to the value of everybody's property in those colonies—a sum which if applied entirely to emigration, would have carried out comfortably more than 110,000 emigrants. The results in one single colony—that of New South Wales—have been most remarkable and most satisfactory. In these nine years, the land fund has produced 1,100,000*l.*; and though only partially applied to emigration, has been the means of carrying out as many as 52,000 selected emigrants, making two fifths, and two valuable fifths of the present population of the colony, added to it in the space of little more than three years. The possibility, however, of raising a very large fund by the sale of land required no proof from actual experience in our colonies; because that fact, at least, had been ascertained by a long and large experiment in the United States. In 1795, the federal government put an end to gratuitous grants; and commenced the plan of selling the waste lands of their vast territory at a system of auction, which has, however, in fact, ended in their selling the whole at the upset price, which for some years was two dollars, and latterly a dollar and a quarter per acre. The proceeds of these sales have, during the whole period, amounted to the vast sum of 23,366,434*l.* of our money; being an average of more than half a million a year for the whole of that time. In the last twenty years of this period, the total sum produced was nearly 19,000,000*l.* giving an average of more than 900,000*l.* a-year. In the last ten years of the period, the total amount was 16,000,000*l.*, and the annual average 1,600,000*l.*; and in the last seven years of which I can get an account—the years from 1834 to 1840, both included—the total amount realized was more than 14,000,000*l.* of our money, or upwards of 2,000,000*l.* a-year.* This is what actually has been done in the United States; and done, let me remark, without the object of promoting emigration, almost without that of getting revenue; for it is very clear that the primary object with which the system of sale was established was not that of getting money, but of preventing that jobbing and favouritism which cannot be avoided where the Government has the power of making gratuitous grants of land. The experiment cannot be regarded as a test of the largest amount which could be got for the land, consistently with a due regard to other public objects, because, in the first place, there have been large exceptional grants, which have brought a great amount of unbought land into the market. There has been a large amount of additional land, not under the control of the general government, and which had been sold by the old states, particularly Maine. And, above all, the price has, as I said, never been fixed with a view to getting the greatest amount of revenue. There is not the slightest reason to doubt that the same amount of land might have been sold at a higher price. Indeed we know that the amount of land sold did not increase in consequence of the great diminution of price from two dollars to a dollar and a quarter in 1819; but actually fell off very considerably, and did not recover itself for the next ten years. I have very little doubt that the same amount of land would have been sold at our price of a pound; and that the sum of eighty millions might thus have been realized in forty-five years as easily as that of twenty-three millions actually was. I tell you what has actually been done, and what we may safely infer might have been done by a country which, with all its vast territory, possesses actually a less amount of available land than is included within our empire; which has now a much less, and had when all this began, a very much less population than ours; and with a far less proportion even of that available for emigration; and which with all its activity and prosperity, possesses an amount of available capital actually insignificant when compared with ours. Imagine what would have been the result, had we at the period at which the American Government commenced its sales, applied the same principle with more perfect details to the waste lands of our colonies, and used the funds derived from such sales in rendering our Far West as accessible to our people as the valleys of the Ohio and Missouri to the settlers in the United States. Hundreds of thousands of our countrymen, who now with their families people the territory of the United States, would have been subjects of the British Crown; as many, aye, even more, who have passed their wretched existence in our workhouses or crowded cities, or perished in Irish famines, or pined away in the more lingering torture of such destitution as Great Britain has too often seen, would have been happy and thriving on fertile soils and under genial climates, and making really our country that vast empire

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* Lord Stanley, in answer to this, stated that the large proceeds of these land sales had been produced by the excessive speculations of the years 1835 and 1836, since which "the bubble had burst," and there had been a great falling off. The proceeds of the different years were—

	—	s.	d.
In 1835 . . .	3,333,292	10	0
In 1836 . . .	5,243,296	9	2
In 1837 . . .	1,459,900	12	6
In 1838 . . .	896,992	10	0
In 1839 . . .	1,346,772	10	0
In 1840 . . .	581,264	7	6

The facts stated by Lord Stanley are perfectly correct; but they do not controvert the conclusions drawn by Mr. Buller. The sales of 1835 and 1836 were no doubt swelled by the speculative spirit of the period; but it is just as obvious that the great falling off in the latter years has been the result of the extraordinary commercial distress that has pressed on the United States all the time. The only subject for wonder is that during such a period of distress as that from 1837 to 1340 there should have been so much as 4,284,930*l.* to spare for the purchase of land.—Note by Mr. Buller.

which encircles the globe. In every part of the world would have risen fresh towns, inhabited by our people; fresh ports would have been crowded by our ships; and harvests would have waved where the silence of the forest still reigns. What now would have been our commerce! What the population and revenue of our empire! This, Sir, is one of those subjects on which we may not embody in precise form the results which calculation justifies us in contemplating, lest sober arithmetic should assume the features of sanguine fancy. But this much I think I may say, that the experience of America justifies us in believing that if we, like the people of that country, had begun half a century ago, to turn our waste lands to account, we should have had a larger population, and a greater accumulation of wealth than we now have; and yet that over-population and over-production, and low wages, and low profits, and destitution, and distress, and discontent, would have been words as of little familiarity and meaning in our ears, as they are in those of the people of the United States. We need, then, feel little doubt but that the new system of colonization has shown itself capable of producing all the economical results which it professes to attain. But I cannot quit the subject of its practical working, without calling your attention to effects quite as important, which it has shown itself capable of realizing in the way of changing the character and spirit in which our colonization has hitherto been conducted, If you wish colonies to be rendered generally useful to all classes in the mother country—if you wish them to be prosperous, to reflect back the civilization, and habits, and feelings of their parent stock, and to be and long to remain integral parts of your empire—care should be taken that society should be carried out in something of the form in which it is seen at home—that it should contain some, at least, of all the elements that go to make it up here, and that it should continue under those influences that are found effectual for keeping us together in harmony. On such principles alone have the foundations of successful colonies been laid. Neither Phœnician, nor Greek, nor Roman, nor Spaniard, no, nor our own great forefathers, when they laid the foundation of an European society on the continent, and in the islands of the Western World, ever dreamed of colonizing with one class of society by itself, and that the most helpless for shifting by itself. The foremost men of the ancient republics led forth their colonies; each expedition was in itself an epitome of the society which it left; the solemn rites of religion blessed its departure from its home; and it bore with it the images of its country's gods, to link it for ever by a common worship to its ancient home. The government of Spain sent its dignified clergy out with some of its first colonists. The noblest families in Spain sent their younger sons to settle in Hispaniola, and Mexico, and Peru. Raleigh quitted a brilliant court, and the highest spheres of political ambition, in order to lay the foundation of the colony of Virginia; Lord Baltimore and the best Catholic families founded Maryland; Penn was a courtier before he became a colonist; a set of noble proprietors established Carolina, and intrusted the framing of its constitution to John Locke; the highest hereditary rank in this country below the peerage was established in connexion with the settlement of Nova Scotia; and such gentlemen as Sir Harry Vane, Hampden, and Cromwell, did not disdain the prospect of a colonial career. In all these cases the emigration was of every class. The mass, as does the mass everywhere, contributed its labour alone; but they were encouraged by the presence, guided by the counsels, and supported by the means of the wealthy and educated, whom they had been used to follow and honour in their own country. In the United States the constant and large migration from the old to the new states is a migration of every class; the middle classes go in quite as large proportion as the labouring; the most promising of the educated youth are the first to seek the new career. And hence it is that society sets itself down complete in all its parts in the back settlements in the United States; that every political, and social, and religious institution of the old society is found in the new at the outset: that every liberal profession is abundantly supplied; and that, as Captain Marryat remarks, you find in a town of three or four years' standing, in the back part of New York or Ohio, almost every luxury of the old cities. And thus was colonization always conducted, until all our ideas on the subject were perverted by the foundation of convict colonies; and emigration being associated in men's minds with transportation, was looked upon as the hardest punishment of guilt, or necessity of poverty. It got to be resorted to as the means of relieving parishes of their paupers; and so sprung up that irregular, ill-regulated emigration of a mere labouring class which has been one of the anomalies of our time. The state exercised not the slightest control over the hordes whom it simply allowed to leave want in one part of the empire for hardship in another; and it permitted the conveyance of human beings to be carried on just as the avidity and rashness of shipowners might choose. I am drawing no picture of a mere fanciful nature, but am repeating the solemn assertions of the legislature of Lower Canada, confirmed by Lord Durham's report, when I say that the result of this careless, shameful neglect of the emigrants was, that hundreds and thousands of pauper families walked in their rags from the quays of Liverpool and Cork into ill-found, unsound ships, in which human beings were crammed together in the empty space which timber was to be stowed in on the homeward voyage. Ignorant themselves, and misinformed by the Government of the requisites of such a voyage, they suffered throughout it from privations of necessary food and clothing; such privations, filth, and bad air were sure to engender disease; and the ships that reached their destination in safety, generally deposited some contagious fever, together with a mass of beggary, on the quays of Quebec and Montreal. No medical attendance was required by law, and the provision of it in some ships was a creditable exception to the general practice. Of course, where so little thought was taken of men's physical wants, their moral wants were even less cared for; and as the emigrants went without any minister of religion or schoolmaster in their company, so they settled over the vacant deserts of Canada without church or school among them. Respectable tradesmen and men possessed of capital shrunk from such associations; and if their necessities compelled them to quit their own country for a new one, they went as a matter of course to the United States. The idea of a gentleman emigrating was almost unheard of, unless he emigrated for awhile as a placeman; and I recollect when Colonel Talbot was regarded as a kind of innocent monomaniac, who, from some strange caprice, had committed the folly of residing on his noble Canadian estate. Within the last ten or twelve years a great change has come over this state of things; within the last three or four years our colonization has entirely altered its character. The emigration to Port Philip, South Australia, and New Zealand has been an emigration of every class, with capital in due proportion to labourers; with tradesmen and artizans of every kind, and with the framework of such social institutions as the settlers have been used to in their native land. Clergymen and schoolmasters, and competent men of every liberal profession, are among the earliest emigrants; artists and men of science resort to a new field for their labours; in the foundation of the settlement you find funds set apart for public works, for religious endowments, and even for colleges. Associations of a religious and charitable and literary nature are formed at the outset; and these are intended to benefit not only the poor emigrants, but the helpless native, who is brought into contact with a superior race. To such settlements men of birth and refinement are tempted to emigrate; they do so in great numbers. I will be bound to say, that more men of good family have settled in New Zealand in the three years since the beginning of 1840, than in British North America in the first thirty years of the present century. It is notorious that the greatest change has taken place in the public feeling on this point, and that a colonial career is now looked upon as one of the careers open to a gentleman. This change in the character of colonization —this great change in the estimation in which it is held, is of greater moment than the mere provision of means for conducting emigration without cost to the public. It makes colonization, indeed, an extension of civilized society, instead of that mere emigration which aimed at little more than shovelling out your paupers to where they might die, without shocking their betters with the sight or sound of their last agony. I come, then, before you to-night as the advocate of no new fancy of my own, of no untried scheme for the realization of unattainable results. The remedy which I propose is one which the experience of the world has approved; and the mode in which I would apply it is one which sufficient experience justifies me in describing as of recognized efficacy in the opinion of all practical authorities, The great principles of the plan of colonization which I urge have been formally but unequivocally adopted by the Government of this country; they have been adopted with the general sanction of public opinion here; and the colonies, as we well know, are clamorous for the extension of a system which they feel to have already given an amazing stimulus to their prosperity, and to which they look as the only means of enabling their progress to be steady. I ask then, for no experiment. The thing has been tried, and I call upon you to make more use of the remedy, which has proved to be sound. If you think that on the system which is now recognized as the sound one, the benefits of colonization may be practically secured, then I say that the only question that remains for us is, whether and how that system can be so far extended as to realize its utmost results. For it is clear that, if it contains the means of greater relief, the condition of the country requires its extended application. It is equally clear that, though it has done great good already, it has been put in operation with no system or steadiness, not always quite heartily, certainly with no readiness to profit by experience for the purpose of either amending or extending it. It has, nevertheless, called into existence a large fund, which was not in being before. Those lands, which from all time had been barren and nominal domains—the mere materials for jobbing, this discovery has converted into a valuable property; and it has also shown you how to apply them, so as to make them most productive to the general good of the colonies, by effecting the importation of labour. But I think I am justified in saying that, under such circumstances, the system has never been turned to full account; that if the people of the United States can purchase 2,000,000*l.* worth of land a year, there is spare capital in this country to purchase something more than one-eighth of that amount; that if they can dispose of some seven or eight millions a year, we could dispose of more than one-thirtieth of that quantity; that if they can take annually from us 50,000 emigrants, besides at least as large a number from their own country, our Australian colonies could take more than one-seventh of that total amount. If we could only realize the same results as actually are realized in the United States, we should get 2,000,000*l.* on the average, instead of 250,000*l.* a year, from the sale of our lands; and the means of sending out, free of cost, some 110,000 instead of 10,000 or 12,000 poor persons every year, in addition to the large unassisted emigration that goes on. If, with our vastly superior wealth and immeasurably larger emigrant population, we fall so lamentably short of the results actually realized in the United States; nay, if with such superior powers we do not realize much greater results, I say it is sufficient proof that there is some defect in the mode of applying a sound principle. It is no defect of inclination on the part of the people to better their fortunes in another part of the empire—the amount of voluntary emigration shows that. It is no defect of inclination on the part of capitalists to invest their money in the purchase of colonial lands; there is never any difficulty in getting money in any sound system of colonization. The defect must be in the mode of facilitating the access of labour to the colonies; it must be from our not making the most of the good principles on which we go. I say it is our bounden duty to have the matter investigated thoroughly; and to discover and remove the faults of detail that prevent our satisfying our present most extreme need, by devising, from a sound principle, the utmost benefits that colonization can produce. It is clear that the public—not the ignorant and thoughtless—but men of the greatest speculative research—men of the greatest practical knowledge and interest in commerce, such as those who have signed the recent memorials to the right hon. Baronet, from this great city, and the other principal parts of the kingdom; it is clear, I say, that the public look to colonization as affording a means of relief for our national difficulties. It is our business to prove whether that hope is sound or unsound; and either without delay to expose its want of truth, and clear it out from the public mind as a delusion that can only do harm; or, seeing it to be sound, to take care that it shall be realized, and that the means of good which God has placed at our disposal shall be turned to their full account. To do one of these things is our imperative duty. Above all, it is a duty most binding on her Majesty's Government, who alone can be the instrument of thoroughly sifting such matter—who alone can give practical effect to the results of such inquiry. It is a duty of which, if they should, contrary to my hopes, neglect it, it becomes this House to remind them. And it is with this view that I have ventured to bring forward the motion of to-night. It is not my purpose to propose any specific measure to the House. And in the first place let me guard myself against the supposition that I mean to propose anything of a kind to which I have the very strongest objection, namely, compulsory emigration. Most assuredly I have no thought of proposing that any one should be compelled to emigrate. So far from proposing compulsory emigration, I should object to holding out to any man any inducement to quit his country. On this ground I deprecate anything like making emigration an alternative for the Union Workhouse. I am very dubious of the propriety of even applying parish rates in aid of emigration. My object would be that the poor of this country should be accustomed to regard the means of bettering their condition in another part of the empire as a great boon offered them—not a necessity imposed on them by government. I do not wonder that in the old days of convict colonies and pauper emigration they shrunk from colonization, and responded to Mr. Cobbett's denunciation of the attempt of their rulers to transport them. But a better feeling has now sprung up, together with a better knowledge of the subject. The difficulty is now not to inveigle emigrants, but to select among the crowds of eager applicants; and the best portion of the labouring classes are now as little inclined to look on the offer of a passage to the colonies as a punishment, or a degradation, as a gentleman would be to entertain the same view of an offer of a cadetship or writership for one of his younger sons. The prejudice is gone; and I did imagine that the attempt to appeal to it by the agency of stale nicknames was not likely to be made in our day, had I not been undeceived by some most furious invectives against the gentlemen who signed the City memorials, which were recently delivered at Drury Lane Theatre, on one of those nights on which the legitimate drama is not performed. I cannot imagine that my esteemed friend the Member for Stockport, who is reported on that occasion to have been very successful in representing the character of a bereaved grandmother, can help, on sober reflection, feeling some compunction for having condescended to practise on the ignorance of his audience by the use of clap-traps so stale, and representations so unfounded; and for bringing just the same kind of unjust charges against honest men engaged in an honest cause, as he brushes so indignantly out of his own path when he finds them opposed to him in his own pursuit of a great public cause. I must attribute this deviation from his usual candour to the influence of the unseen genius of the place in which he spoke, and suppose that he believed it would be out of keeping in a theatre to appeal to men's passions otherwise than by fiction. It is not my purpose to suggest interference on the part of Government to induce emigration, except by merely facilitating access to the colonies by the application of the land-fund to that object. To do this more effectually than it now does is what I ask of it, and for this purpose I only ask it to perfect the details of the system now in force. Carry out, I say to her Majesty's Government, the system which was begun by the regulations of 1832, and by the appointment of the Land and Emigration Commission, to which you made a valuable addition when you sanctioned the principle of the Act of last Session, which secured the system of disposing of the lands of the colonies against the caprice of colonial governors, and even of secretaries of state. Carry it out with the same sound purpose at bottom, but with more deliberate consideration of details than it was possible for the noble Lord to apply to a matter of so difficult a nature, which he brought in a few months after entering on the duties of his department. I suppose that the noble Lord cannot set such store by the details of a measure so rapidly prepared, that he will deny that they may be possibly amended on reconsideration; that in fact many of the details of a sound and large system of colonization are not touched by his act; and that, until they are matured by assiduous inquiry, the principle can never be fairly tried, or rendered productive of the full amount of good of which it is capable. There are some most important questions which require to be fully investigated before the system of colonization can with prudence be placed on any permanent footing; and I think it right to mention the most important of them, in order to impress upon the House how much of the success of any scheme must depend on their being rightly adjusted. There is, in the first place, a very important question as to the possibility of applying to the rest of our colonies the system which is now in force only in the Australian. It has never yet been satisfactorily explained what causes prevent the application of the principle to the land that lies open for settlement at the Cape of Good Hope, speaking not merely of the present limits of the colony, but of the boundless unappropriated extent which adjoins it—superior, apparently, in natural fertility, and free from all proprietary claims on the part of individuals. With respect to the North American colonies, I am aware that some difficulties are presented by the partial cession of the crown lands contained within them to the control of their respective legislatures. With the control of these legislatures I should not be disposed to interfere, even if the Imperial Government retain the strict legal right; but I am so convinced that the interests of the mother country and the colonies with respect to emigration are identical, that I have no doubt that the colonial legislatures would rejoice to co-operate with the imperial government in the adoption of the general principles of such a plan as might be deemed most conducive to the good of the empire. At any rate, viewing the magnitude and importance of these colonies, and their proximity to Great Britain, they ought not to be excluded from the general plan without the fullest inquiry. But there are very important questions with respect to the mode of applying the principles, which are still matters of doubt and controversy. Thus it is yet a question what is the "sufficient price" which the government should endeavour to secure from the lands in each colony. It is obvious that no more should be asked than may be applied so as to attract labourers to the colony; whatever more is imposed is a partial tax on immigrants and agriculture for the general purposes of the community, and would actually deter instead of attract settlers. On the other hand, it is contended that the price is in many instances still so low as to lead to too great an accumulation of land in private hands at the first formation of settlements; and to the subsequent drying up of Government sales and land-fund when the first purchasers are compelled to bring their lands back into the market. It will be seen that it is of the utmost importance to the right working of the system that the right price should be ascertained, not only in a rough and general way, but in the case of each colony. Another question of considerable importance is, how this sufficient price should be got—whether by fixing it on all lands as both minimum and maximum, or by trying to get the highest price which may be offered at an auction. By the latter plan it is said that the full worth of the land is most sure to be got. While it is objected to it that, besides operating with peculiar unfairness on all persons of known enterprise and skill, the tendency of the auction system is to encourage great competition for favoured town lots, lavish expenditure at the outset, an exhaustion of the capital necessary to give value to the purchase, and a consequent stagnation of the settlement after the first feverish burst of speculative ardour; that the system of uniform price, by giving to the purchaser all the advantages derivable from the possession of peculiarly advantageous sites, presents the greatest attraction to purchasers, and gives the surest stimulus to energy in developing the resources of the colony; and that though the auction system may bring in the greatest amount of money to Government at first, it will be found that, in the course of a few years, the steady produce of a fixed price will make the largest return. A subsidiary question to this is, whether the same principle of price should be uniformly applied to all kinds of land, or any distinction made between different qualities. But a far more important matter, still in dispute, is, whether the whole of the land-fund shall be devoted to the introduction of labourers, or whether a portion shall be applied to the general expenses of the colony. It is said, on the one hand, that if the object be to apply the land-fund so as to render the colony attractive to settlers, the formation of roads and public works is as requisite to that end as the supply of labour. To this it is answered, that the applying of the largest possible amount of money to the importation of labour is the surest way of increasing the population, the increase of population the surest way of raising the ordinary revenue from taxes, out of which all necessary works may be provided; and that applying any portion of the land-fund to the general expenses of the colony is merely placing at the disposal of irresponsible authority an additional and easily-acquired fund, which will be sure to be expended with that shameless extravagance, which, whether in New South Wales, or South Australia, or New Zealand, is the curse of our colonies, and the scandal of our colonial system. There is a question of even greater magnitude and difficulty than any of these; and that is, the question whether, viewing the great necessity of of supplying labour in the early period of the colony's existence, it may not be advisable to anticipate the proceeds of the land sales by a loan raised on the security of future sales; and in this instance only has aid been demanded from the mother country in the form of a guarantee, which would enable the colony to raise money at a moderate interest. If the principle on which this suggestion is made be sound it is of paramount importance, because it would really be bridging over the ocean, and enabling the future purchasers to repair at once to the spot which they are to render productive. No doubt great caution would be requisite in thus forestalling the resources of a colony; and I should deprecate such extravagant suggestions of large loans as have been sometimes proposed. But, on the other hand, a debt contracted for such a purpose is not unproductive waste of capital, such as our national debt, nor is it to be likened to the debts of individuals contracted for the enjoyment of the moment. It is rather to be compared to those debts which wise landlords often deliberately contract, for the purpose of giving an additional value to their estates, or to the loans by which half the enterprises of trade are undertaken, and which are to be regarded as resources of future wealth not embarrassment. The proposal of a loan in anticipation of the land-fund has been recently urged on the Government from a quarter deserving of great weight —I mean the legislative council of New South Wales—in a report, which, I trust, has been successful in correcting an erroneous notion most fatal to colonial interests to which the noble Lord gave rather an incautious expression last year,—I mean the notion that the Australian colonies were at that time rather over-supplied with labour. It appears that the term over-supply is correct only as respects the means of paying the cost of emigration out of the land sales of the year; that the colony exhausted its means of bringing over labourers, but that it is still, in fact, craving for it as much as ever; that the supply of nearly 24,000 labourers in one year, far from overstocking the labour-market, had produced no material reduction of wages; that the labourers and artizans imported that year were getting ample wages, and that the colony still continued capable of absorbing an annual free importation of 10,000 or 12,000 of the labouring classes. I have briefly adverted to these important points without suggesting the decision which, I think, ought to be made with respect to any of them. The details of a plan of colonization are obviously matters in which it would be idle for any one not a member of the Executive Government to make any specific suggestions. To discuss the general bearings of such a question, and to impress its general importance on the general Government, is all that appears to me to lie practically within the competence of this House. It is with the Government that the investigation of such details as I have adverted to, and the preparation of specific measures must rest. They have the best means of collecting the most correct information and the soundest opinions on the subject. I have no wish to take the discharge of their duties on myself. I think this a stage of the question in which it would tend to no good purpose to call in the cumbrous and indecisive action of a committee of this House: but that I have done my duty when,—after thus explaining the grave necessities of our condition, and shifting the practicability of the remedy which seems most efficient,—I leave the question, with its niceties of detail and responsibilities of execution, in the hands of the advisers of the Crown. But I leave it not as a question to be discussed by one particular department as a matter of detail, or as a mere colonial question, but as one of general import to the condition of England. The remedy, which I thus call on her Majesty's Ministers to investigate, is one on which inquiry can excite no illusory hopes; for, though I believe that its adoption would give an immediate impulse to enterprise, it is one of which the greater results cannot be expected for some few years. It is one, too, which, if it fails of giving relief to the extent that I have contemplated, cannot fail of bettering the condition of many, and of nineteen cwt. for each individual per year, or 5 5-6lb. per day. By the return of 1831, the whole number of families in England and Wales were 2,911,874; but taking them at 3,500,000, the number of acres required would be only 10,500,000, whilst we had actually 32,000,000 acres capable of cultivation. He should be asked, no doubt, if we had all those resources at command, why were not the people employed and fed? It was because our principles of legislation were wrong; and particularly, because by the present system of Corn-laws the growth of other countries was not permitted to come to our shores. The effect had been to place the land and the interests of agriculture in the hands of speculators, who regarded only their own advantage, and had the means of expelling the poor from the lands. The parish of Cholesbury and the islands of Guernsey and Jersey afforded abundant proofs of the correctness of his views upon this subject. But he would appeal to Ireland, which the hon. and learned Member had instanced as a melancholy example of the injury of small farms. The hon. and learned Member did not seem fully to understand that there was a great difference between the north and south of Ireland. In the north the small holding system conduced to the prosperity of the people; in the south it was totally different, because there the cottier system was established, and the result was that the tenants were distressed by high rents and various exactions and charges. He would just state to the House some facts relating to two unions in the north of Ireland:—In Newtownards Union the extent was, 93,942 acres; the population 53,873. No relief was given except in the house. The number, by the return, dated February 4, of aged men, women, and children receiving relief, was 215. In Downpatrick Union, the extent was 147,367 acres, the population, 80,642. In the house on February 9th, there were 360 aged men, women, and children. Those two unions contained 141,309 acres; their united population was 134,515 souls; and the per-centage of paupers to the population was only about two-fifths of a head to each 100 souls; and in these unions, by the authorized reports of the Poor-law Inquiry Commission, the farms rated at from six to sixty acres, but few were so large as sixty acres; the majority was not of more than ten acres, and the average of not more than twenty acres. The acres rated at about 1¼ acre to each head; the peasantry had abundance of wholesome food, and there was a large export of provisions. If any hon. Member should visit Ireland, he (Mr. Crawford) would be happy to receive him, and make it clear that there was good foundation for all he had asserted. But it was said, that the waste lands of England were not worth improving. Certainly he was surprised that such a statement as that should be made in the face of the numerous enclosure bills that were continually presented to their notice. Those bills clearly proved that, whatever they might think of these lands, there were plenty of capitalists in this country willing and ready to invest their money in improving them, and it should be remembered that there was plenty of land, exclusive of that enclosed, which might be of great value to the poor, though it was utterly valueless to the rich. It was his wish that they should give the poor an interest in such lands. If they let them feel that they possessed such interest, they would be sure to make profitable use of their labour. The State, too, might most advantageously come to their assistance and promote the cultivation of these waste lands. In Ireland that plan had already been tried with success. By referring to a report of the Public Works Committee, the House would find that in Connaught 160,000*l.* of the public money had been advanced for the improvement of waste lands, and that in seven years the whole of that capital had been repayed. In the county of Cork 60,000*l.* had been advanced with the same result. He said, then, "Don't talk of emigration, but go to your waste lands, and reclaim them." That was his remedy for the evil of a superabundant population. The hon. Member had talked about a bridge across the Atlantic, and had said that if such a bridge existed there would be no difficulty in providing for the people. But why did he not open his eyes to the one real position at home? How was it he did not see the 15,000,000 acres of cultivatable lands which were lying waste in Great Britain? But then he might be asked whether he thought the cultivation of these waste lands would be of itself a sufficient remedy. To this he answered, that there would be undoubtedly many auxiliary measures necessary. In the first place a bill ought to be passed enabling landlords who were merely tenants for life to raise money on their estates for the purpose of cultivating all waste lands; and if they neglected to do so the State ought, he thought, to have the power of stepping in. Then there was another remedy—the repeal of the Corn-law. He did not wish to raise a Corn-Law debate, but they ought to enable the people not only to obtain employment, but to obtain cheap food. Then he should advise them to repeal the sugar duties, and so open a better market for our commerce with certain foreign countries. Again, they might very beneficially reduce their present extravagant expenditure, and, as far as possible, the heavy burthen of their taxation. The taxes were at present an enormous burthen upon the people. There were various means of reducing them. One method he should suggest was the reduction of the present military expenditure of the nation. At this present moment we had no less than 55,000 men on home service. He should like to know the use of such an establishment as that? By reducing a force, for which there would be no necessity were it not for bad legislation, they might, let them bear in mind, relieve the country of 1,000,000*l.* per annum, in the shape of taxes. Then, again, he would suggest that no enclosure acts should be passed in which the Government did not retain a superintending power. All these would be auxiliary measures to any such general measure as that he proposed. He was one of those who held the unfashionable doctrine that in proportion to the extent of population so were the wealth and prosperity of a state. Had it not been for our people, where would now have been our power—where our success in war—where our prosperity in commerce? Instead, therefore, of pointing out means to expatriate that population, their great object should be, according to his view, to support their people in comfort and happiness at home. He could not accede to the hon. Member's views concerning the advantages of emigration. The hon. Member had read reports which set forth the benefit of emigration to our colonies, but in his opinion, we only injured ourselves by conferring such benefits, inasmuch as the exclusive protection of colonies must necessarily be an injury to foreign commerce. It was said, that young men and women were wanted abroad. Why, that was just the class we required at home? If the young and industrious were taken away, what was to become of those who were left behind? For his part, he should be by no means obliged to the hon. Member for introducing a system of colonization which left us only the idle and infirm. Let it be remembered, that for every strong man we expatriated, we expatriated so much national wealth. The hon. Member talked of the emigrants sending the surplus produce of their labour to the mother country. Why, what would be the surplus produce of their labour? These people went abroad to obtain any labour that offered—they were not to gather gold from every bough, but to toil for their daily bread—to lead, in fact, the life of slaves. What opportunity would such as' these possess of sending us surplus products? For his part he could not help feeling that this principle ought not to be adopted by the country as a means of affording the people permanent relief. As a temporary means of relieving them it might be thought less objectionable; but he cautioned the country not to permit the expatriation of those whose labour constituted our national wealth, and by whose daily toil England had become elevated to her present prosperity. With these feelings and views he would move, by way of amendment, the following resolution:—

"That the resources derivable from the lands, manufactures, and commerce of the United Kingdom, if fully brought into action, are adequate to afford the means of giving employment and supplying food to the whole population; and that, therefore, before any measures be adopted for removing to foreign lands any portion of that population, it is the first duty of this House to take into consideration the measures necessary for the better application of these resources to the employment and support of the people."

Mr. *Gally Knight* said, after the speech which had been delivered that evening by the hon. and learned Member for Liskeard, a speech replete with much and various information, replete with just and generous sentiments, dealing with a subject of vast importance, and dealing with it in a masterly manner—he felt he could say nothing that could add to the force of the arguments which had been used; but having long taken a deep interest in the subject of colonization, and being impressed with the belief that at this time a systematic colonization was more than ever desirable, he could not but rise to tender his thanks to the hon. Member for bringing the subject forward in the manner he had done, and to express a hope that the hon. Member's appeal would not be made in vain. He had said, that he considered a systematic colonization most desirable at the present moment; for, though he could not believe with the author of an able pamphlet (Col. Torrens) that the sun of England was set, that the commerce of England would continue to decrease, that wages would continue to decline, that the operatives would have to learn to live on inferior food; though he would not bring himself to believe all this, yet he was compelled to admit that there was great room for anxiety, that it was our duty to take every precaution to avert the evils with which we were menaced—at any rate it was our duty to make it clear to the people that we were not insensible to their sufferings, but that, on the contrary, we were anxious to do all in our power to alleviate their distress. But then, in the endeavour to do so, after the manner pointed out by the hon. and learned Member for Liskeard, we were met *in limine* by the amendment proposed by the hon. Member for Rochdale, who denied that population could ever be redundant, and proposed that the destitute should be located at home, with the assistance of the State, on small holdings of land. Now, he could not but be surprised that such a proposition should proceed from a native of the sister isle—for though he had every reason to believe that, in whatever sphere the hon. Member for Rochdale presided, there would be no distress, yet he should have thought that the hon. Member must have been aware that, in other parts of Ireland, much distress and inconvenience existed from a numerous population, each holding his scrap of land, in exactly the manner recommended by the hon. Member. The hon. Member had next recommended, in preference to colonization, the total and immediate abolition of the Corn-laws. On this point, however, he would venture to remind the hon. Member that he had been answered by anticipation by the hon. and learned Member for Liskeard, who had allowed, though himself an advocate for the repeal of the Corn-laws, that such repeal would be no remedy without axiliary measures, and would produce anything but immediate relief to our suffering population. The same conclusion had also been arrived at by Colonel Torrens, who, with the hon. and learned Member, was equally a free trader. Colonel Torrens says, in the pamphlet to which he had already alluded, that—

> "The abolition of the Corn-laws would be utterly inoperative as far as regards the removal of the causes which are depressing money wages, whilst it would be accompanied, in the first instance at least, by a period of transition and revulsion, during which a portion of the rural population would be reduced to destitution."

And when the hon. Member for Rochdale recommended colonization at home—when he recommended the cultivation of waste lands, and barren places, which, from their sterility, had been suffered to remain in a state of nature, he must say, that this was only a revival of the doctrines of Mr. Sadler, delivered by him in 1828, and refuted over and over again. Those whom you first employed in the redemption of Irish bogs, or English heaths, might be pretty well off themselves, but their children would greatly aggravate the evil which it was sought to remedy, and, after a short time, there would be a greater redundancy of population than before. And as to the cruelty of inducing such of our countrymen as were in a state of destitution here, to exchange that state for one of ease and comfort in one of our own colonies, where they would not be "slaves" as the hon. Member for Rochdale called them, but free men, surrounded by their own brethren, hearing their own language spoken, governed by British authorities and British laws, he was at a loss to understand how any rational man could view the subject in that light. *Ubi bene, ibi patria.* The British emigrant would breathe as freely in New Zealand and Australia as in this country. Instead of struggling for occasional work, he would find constant employment—and would, eventually, be the means of extending the empire, the institutions, and the religion of England over some portion of every quarter of the globe. But, then, another class of objectors said, what good will you do with your nostrum? If you make a gap, it will be filled up again in a very short time. This, again, was a fallacy that had often been refuted. Experience proved that when, from a redundance of population, the disproportion of labour to wages, as in the case of Ireland, has reduced the poor to a state of desperation, they become reckless, and marry without foresight or providence, whilst, in a less unhappy state of society, men were not reckless, and had regard to prudential considerations—so that, after the proportions between labour and capital have been restored by emigration, population would be found not to increase as rapidly as before—and the gap would not be filled up. In parts of Scotland, which had been relieved by emigration, the redundance had not recurred. The supply of labour keeps pace with the demand. The hon. Member for Rochdale had laid it down, that we should never be able to carry on colonization on such a scale as really to relieve the country. To this argument he would reply by an old, but simple illustration. If, in any given locality, there should be 1,000 operatives, and work only for 900, the whole thousand would be in a state of discomfort; but, of these operatives, only remove 100, and the remaining 900 would be at once restored to full work, and consequent prosperity—a proof that the removal of a proportion of the population, relatively small, would suffice to afford considerable relief. But then it was asked how, in these times of depression, with our finances in so unsatisfactory a state, how are we to encounter the expense? But the hon. and learned Member for Liskeard had already removed this objection. The hon. Gentleman had shown, that the mother country need not be put to any expense at all; that, by adopting the best principle of colonization that principle which Mr. Gibbon Wakefield had developed before the committee, which sat in 1836—the whole expense would be defrayed by the sale of the wild land. It was necessary to put a sufficient price upon the wild land, not for the sake of the money, but for the sake of securing a proper combination of labour, and preventing the colonists from, at first, straggling over too wide a surface. Let them hear what Mr. Wakefield said upon this point:—

> "Every thing depends upon the combination of labour. In order to have free labour combined, there must be a class of persons in the society who are ready to let their labour for hire. That class never exists where land is cheap. The price should be sufficient, and no more than sufficient, to effect this object."

The whole proceeds of the sale of land should go to form a fund by which the expense of systematic colonization might be met. Mr. Wakefield says:—

> "The effect of employing revenue arising from the sale of land in an emigration fund, would be to give the greatest possible progress to that good sort of colonization, of which the price had been the deliberate object. With a sufficient price, the land will be colonized as well as possible. By employing the whole purchase-money as an emigration fund, the land will be colonized as fast as possible."

Upon this system of colonization, and in reprobation of old plans of making profuse grants of land, the best comment was to be found in a well known despatch of Lord Glenelg, who says, that—

> "In new countries, it is possible, by having the price of land so high, as to place it above the reach of the poorest settlers, to keep the labour-market in its most prosperous state from the beginning. This precaution will at once ensure a supply of labourers, and prevent the settlers from spreading over too wide a surface. Society, thus kept together, is more open to civilizing influences—more directly under the control of the Government—more full of the activity which is inspired by common society, and of the strength which is derived from the division of labour; and, altogether, is in a sounder state, morally, politically, and economically, than if left to pursue its natural course."

All objections being thus removed, the only remaining question was, whether colonization should be left to itself, or whether it should be carried on under the immediate directions of Government? Now, it seemed to him, that there were many reasons why it should. There was, in the first place, great mischief in irregular colonization. They could never ensure colonization on correct principles, without Government authority; and if colonization were not conducted on correct principles, the emigrants would be inevitably exposed to severer hardships than they need encounter, and the prosperity of the colony would be delayed. It was not right to allow the emigrants to throw themselves into the wilds of Canada or Australia, without a compass, without a guide, and, perhaps, at the will of some money-making jobber in land. He could not more strongly illustrate the necessity of Government superintendence than by reading a passage which he had found in *The Times*:—

> "To give security to capitalists, not independence to the labourers, and confidence to both; to stimulate enterprise, yet repress wild speculations; to array, support, settle, move, control, educate, those masses who are to wage the war of peace against the forests of Canada or the plains of Australia; all this is to be done steadily and surely, if indeed systematic colonization is to be taken up with effect and on a large scale. Nothing, certainly, short of supreme authority, can undertake such a task,

and no object could be deemed more worthy of a master mind."

He thought very possibly, that the noble Lord, the Secretary of State for the Colonies, in answer to the speech of the hon. and learned Member for Liskeard, would inform the House, that thousands were already emigrating from this country of their own accord, and that it would be better to "leave well alone." The noble Lord would very possibly say, that although systematic colonization, superintended by Government, is no new notion, no visionary dream, though it has been recommended by statesmen and philosophers, though it is now recommended by the petition of a set of men who had been said fairly to represent a very influential fraction of the capital of the country, yet he would much rather not interfere. If he ventured to entertain an opinion opposite to that which the noble Lord might entertain upon this subject, he begged to say, that his opinions, such as they were, had been chiefly imbibed in the noble Lord's own school—that it had always been his pride, as he had always considered it to be his duty, to follow him in his political course, at however immeasurable a distance—and that, if he was wrong in now pressing the noble Lord to make a step in advance, to go a little further and faster, he would only state that he had taken a feather from the noble Lord's own wing. A few years ago, in 1828, systematic colonization had been recommended by his lamented Friend Sir R. Wilmot Horton, for the relief of the redundant population of Ireland. From totally different causes, the population of England was now equally redundant. The necessity, therefore, for colonization was greatly increased; and in reply to those who say that the present is no temporary plethora, that, if emigration is really wanted, it will be wanted more largely every year, he would again have recourse to the words of Mr. Wakefield, who says in his evidence:—

> "The more emigration there is, the more there may be. The more labourers you send to the colonies, the greater will the demand be for labourers in the colonies—the demand will continually increase."

There was only one point in the speech of the hon. and learned Member for Liskeard from which he differed, without dreaming of such a thing as compulsory emigration, he could not see any strong objection to defraying the expenses of pauper voluntary emigrants out of the parochial rates. Under the New Poor-law, however, no portion of the parochial rate could be thus applied without first convening a general meeting of all the rate-payers. They knew how much objection there was to convening such large meetings in populous towns, and how doubtful was the issue. In fact, the consequence of this stipulation had been, that the clause in the New Poor-law, authorising the encouragement of emigration, had remained a dead letter. It was his intention, when the New Poor-law came under the consideration of the House, to endeavour to effect an alteration in this clause. Feeling, as he did, that we ought to do all in our power to relieve the distress of the people and avert the evils with which the country was menaced—feeling that systematic colonization offers the most probable mode of affording that relief, and averting those evils, and that systematic colonization can only be carried out as it should be carried out, under the immediate direction of Government, he would give the motion before the House his cordial support.

Lord *Stanley* said; Sir, the motion now before the House—I mean the original motion brought forward by the hon. and learned Member for Liskeard is connected with many circumstances which recommends it to the particular, the patient, and the unprejudiced consideration of the House. It comes before the House with the approbation and consent of at least that large portion of hon. Members who are not accurately acquainted with the actual condition of the emigration question, and who, consequently, cannot know how far the change which the hon. Member seeks has already been carried into practical effect by her Majesty's Government. It comes, too, recommended to our consideration by motives of policy and humanity. The hon. and learned Gentleman places in front of his motion the words,

> "That an humble address be presented to her Majesty, praying that she will take into her most gracious consideration the means by which extensive and systematic colonization may be most effectually rendered available for augmenting the resources of her Majesty's empire, giving additional employment to capital and labour, both in the United Kingdom and in the colonies, and thereby bettering the condition of her people."

It comes, as I said, recommended by policy; for by it the hon. and learned Gentleman seeks to establish a new class of consumers for the products of our manufacturing industry. We are interrested in it by motives of humanity, for it is put forward as a means of transferring to regions where they can procure an easy and abundant livelihood, a population which is here struggling with all the horrors of distress and starvation. It comes recommended by the weight and influence of large bodies of the commercial classes deeply interested in this subject and who think they see in systematic colonization, the means of relieving the country from that plethora of capital which they are labouring, and labouring in vain, to seek a profitable investment for. And last of all, Sir, the motion comes recommended by a speech of singular moderation and ability—a speech in almost the whole of which I concur, differing from the hon. Gentleman not in the positions which he laid down (with which in the main I agree) but in the proposition which, in conclusion, he submitted to the House. Having acknowledged the ability of the hon. and learned Gentleman's speech, I must say that any objections to his motion are not based on the reasons of my hon. Friend behind me (Mr. Gally Knight) and I must in the first place set right my hon. Friend, who represents himself as following my example, and acting on principles propounded by me in giving his support to this motion, as if it were a plan opposed to the principles of the Government, whereas, the hon. and learned Gentleman distinctly stated, that it was an extension and not an alteration of the system which we have carried into effect. But the motion of the hon. and learned Gentleman, if it be unnecessary, on the ground that what he seeks to attain is now practically in operation, seems peculiarly ungracious towards the Government and likely to be injurious to the public because, if carried, it will lead to exaggerated expectations of benefit, and will induce in the minds of a distressed population the belief that the Government is willing to adopt an extensive and systematic plan of colonization as a means of relieving their distress. In opposition then, not to the speech, but to the motion of the hon. and learned Gentleman, I shall take leave to assert, and I trust I shall be able to prove, that at this moment and for many years, there has been going on, under the direct control, sanction, and superintendence, of Government acting in concert with the Governors of our colonies and with agents placed in them an extensive and systematic colonization which is only not formed on the uniform principle advocated by the hon. Member, because, in consequence of the differences in our colonies, that would be impracticable. The hon. and learned Gentleman has admitted (as every man must do who has considered the subject), that to apply the same principle to our colonies in America and our colonies in Australia, would be to stultify ourselves, and that it would be anything but acting on a judicious system to apply the same rule to colonies standing in a totally different relation to the mother country. I shall venture, however, to promise that I shall prove (and I am afraid I shall have to trespass at some length with details, the importance of the question really turning upon them) that emigration is at present going on satisfactorily, widely, and safely, under the superintendence, direction, control, and protection of the Government; and I shall contend, that the proper duty of a Government is not to force and compel emigration, but to assist, guide, and protect its course. I shall not follow the hon. mover of the amendment into the wide field which he has opened, but which he has invited the House to discuss; but this I will say, that though I am not prepared to deny that much may be done by prudent legislation, and much more by prudent and humane treatment, on the part of the landholders, towards improving the condition of the labouring classes, I cannot, whilst I resist compulsory emigration on the one hand, adopt the view of the hon. Gentleman (Mr. Crawford) on the other, who thinks that if the owner of property be not prepared to lay out a sufficient sum for cultivating the waste part of his lands, the State shall forcibly interfere, and compel him to do so, whether he will or not. I am against interference with the employment of the labourer at home, or with his emigration abroad. I shall be able to show, that so far as it is wise, politic, or humane for a government to interfere, we have given protection to the poor and encouragement to the rich, by such facilities as it was in the power of a government to afford. First, I think we may place out of consideration all those colonies not included under one or other of the heads of North America and South Australia, including in the latter terms all our dependencies in the southern hemisphere. He would first advert to Canada. The hon. Member for Liskeard first spoke in terms of reprobation of the system which prevailed some years ago, but which, I am happy to say, no longer exists, and under which emigrants were exposed to all the tricks and rogueries of passage-brokers. They were carried out to the colonies in leaky and ill-found vessels, they received no assistance on arriving at the place of their destination, there was no one on the spot to welcome them and supply them with provisions; but they were thrown out of the vessel, uncared for ("bundled out" was the phrase used by the hon. Member for Liskeard), on the quays of Quebec, in a state of perfect destitution, the horrors of which were frequently aggravated by disease contracted on the passage. Nothing could be worse than such an unregulated, unorganized and unprotected system of emigration. But is that the case now? I will show the House and the country that emigrants, who now proceed from this country to even the most distant point of her Majesty's possessions in North America, are never for a single moment away from the superintending eye, and the protecting care of the Government. Within the last few years a commission was established, which is composed of two gentlemen whose diligence and assiduity in the discharge of the duties of their office, are well known to all who come in contact with them. One of these Gentlemen had long experience in the Colonial Office, and, subsequently, as Secretary to the Government in Canada; the other is the brother of the hon. Member for Wolverhampton; and I am fully warranted in saying, that nothing can exceed the diligence and assiduity with which both these gentlemen discharge their duties. I will refer only to that part of their duty which relates to the furnishing of information and assistance to intending emigrants. The arrangements which the commissioners have made relative to these points, came before the House last year in a paper which was moved for by an hon. Member. That paper contains tabular statements, which are furnished quarterly by the different agents established in Canada, to the commissioners, and by them transmitted to any person who may apply for them, either verbally or by letter; and the House would find, that those statements comprised all the information which it is desirable and necessary for emigrants proceeding to the colonies to be possessed of. Amongst this information are the average prices in the colonies of fifty-five of the principal articles of food, clothing, and other necessaries which are indispensable to a settler on his first arrival. In another table is furnished the average amount of wages paid, and whether with or without board and lodging, to persons exercising no less than thirty-one different trades; besides a list of questions which would be answered by emigration agents on the spot as to the expense, by estimates of erecting country dwellings, descriptions of the kinds of labour most in request, the rate of emigration with a comparison of the supply with the demand for labour; in short, there is scarcely a point of the slightest importance to emigrants upon which the most ample information is not furnished; and all this is corrected quarterly, and communicated without any charge to such of the labouring classes intending to emigrate as may apply for it. Besides this, there is stationed at every port of the United Kingdom an emigration agent, to whom all emigrants are directed to apply, and by whom they are supplied with such information as they may require, and are protected against the frauds of brokers. When the emigrants are on board the vessel, the strictest regulations for their comfort and protection are enforced under the act passed in the course of last year, and I believe that those regulations are quite satisfactory to all captains and shipowners who are disposed to carry on their business fairly and honestly. In the colony, an emigration agent receives the emigrants at the port of landing, ascertains by examination whether the conditions of the passage have been complied with, listens to the complaints of the emigrants, and if he finds them well-founded, affords them, on the part of the Government, redress. If any of the emigrants should be sick, and require medical treatment, the agent sends them to an hospital, which is supported at the expense of the province, and of this country. A tax is levied in the province for the purpose of maintaining the hospital and a quarantine establishment; and a vote is annually taken in this House for the same purpose. On every point of the colony to which the emigrant may proceed, he finds an agent or sub-agent, employed and paid by the

Government, to afford him information as to the best means of obtaining employment—to forward him to his friends, if he have any, and to assist him with provisions and money, if he should be entirely destitute. Thus the superintending care of the Government is carried on, from point to point, from the time the emigrant leaves his home at the extremity of Norfolk or Connaught, till he rejoins his friends in the wilds and wastes of Upper Canada. From first to last, he is never for a single moment wholly withdrawn from the superintendence and protection of the Government. I hope I shall not exhaust the attention of the House if, in connection with this part of the subject I read an extract from the returns laid on the Table of the House in the course of the present year, being a part of the report of one of the emigration agents, Mr. Hawke, dated Kingston, December 21st, 1842:—

"During the current year nearly 34,000 immigrants have been landed at this agency; they generally arrived in parties numbering from 50 to 300 or 400 persons. The course adopted at this office with reference to their distribution, and the relief which is occasionally afforded has been as follows:—We will assume that a party of 200 immigrants are to be disposed of; the names of the heads of families and their occupation are first ascertained, as well as their destination, if they have left home with the intention of settling in any particular part of the province. We will suppose that seventy-five wish to proceed to Toronto, twenty-five to Cobourg and Port Hope, twenty-five to the ports on the Bay of Quinte, and that the remaining seventy-five are in search of work. As the steam-boats leave Kingston for Cobourg, Port Hope, and Toronto every evening at eight o'clock, except on Sunday and Monday, during the season, the immigrants anxious to proceed to these ports are first examined, and the questions generally put to them are as follow:—When did you leave Montreal? Did you apply to or receive any relief from the agent at that port? If these questions are answered in the affirmative, the Montreal list is referred to, and if it confirms his statement, his reasons for wishing to proceed to any particular place are demanded. The reason generally assigned is, 'I have relatives settled there, and I came to Canada to join them.' If the immigrants have any letters or written directions from their friends, they are required to produce them. We then endeavour to discover whether their poverty is real or pretended. If the immigrant gives a straightforward account of the means which he started with, and the manner in which he has expended it on his journey, his claim is admitted. If he hesitates or declines, his claim is rejected; at all events, until further inquiry can be made. As soon as the whole of the party have been examined, the free lists for the different ports are made out, as well as another list showing the amount of food which each family is to receive. The party is then taken to the bakery, and from thence to the steam-boat. The twenty-five immigrants for the Bay of Quinte undergo a similar examination. As the steam-boats for the ports on the bay leave at nine o'clock in the morning, the immigrants are sent to the sheds and supplied with food for the night, if necessary. The seventy-five who have no particular destination, and who want employment, remain to be disposed of. They are generally sent to the sheds for the night, and ordered to be at the office early on the following morning. They undergo the same examination as their comrades. The application to the office for farm servants, labourers, &c., are examined, and such of the immigrants as will probably suit the applicants, are sent forward. If the supply of labourers exceed the demand, which is frequently the case, the overplus is distributed through those districts which are most likely to require their services. The immigrants thus sent are furnished with the names of some respectable persons residing in the part of the district to which they are directed, with a request that they will have the goodness to send the immigrants to any persons in the vicinity who are in want of labourers. But if they are sent to Toronto, or Hamilton, this duty devolves upon the agents stationed at these ports. As to the extent of the relief which is afforded to indigent immigrants at this and the other agencies in Canada west, it is confined to medical attendance and comfort to the sick, and free passages and food to the healthy. The rates of conveyance for 1842 are as follow:—

	Currency.	
From Bytown to Kingston . each adult	2*s.*	6*d.*
" Kingston to Dickinson's Landing	6	3
" " to Ports on the Bay of Quinte	4	0
" " to Cobourg and Port Hope .	3	9
" " to Toronto . . .	7	6
" Toronto to Hamilton . .	3	9
" " to Niagara . . .	3	0

Being 25 per cent. under the established charges. Transport by land is of course more expensive than by water. The average expense may be stated at 1*d.* per mile for each adult. The supply of food is in all cases proportioned to the time occupied on the journey. We give a 4lb. loaf of bread, the cost of which averages about 7½*d.* currency, to each person over fourteen years old, sent to Toronto, and in proportion to other places. Emigrants who remain in the sheds rarely get more than one or two days supply of food, unless the head of the family is confined by sickness to the hospital. In such cases the assistance is continued until the patient recovers, or employment can be found for such members of his family as are able to work."

So much with respect to the superintending care which the Government exercises over emigrants. My hon. Friend behind me (Mr. G. Knight), anticipated that I would say upon this occasion, "Things are going on favourably; don't interfere; let well alone." My hon. Friend spoke of the necessity of adopting some scheme of extensive colonization and emigration. What would the House suppose has been the total amount of emigration from this country in the course of the last few years? Recollect, I am speaking of voluntary emigration; not emigration paid for by the Government, but merely superintended, controlled and protected by the Government. The total number of emigrants from the United Kingdom, during the last two years, is no less than 246,936. Is not that extensive emigration. At the same time it appears most material that the House should clearly see the actual state of the question in the results which statistics supply; and with the permission of the House I will just show the progress of emigration to Canada alone. The number of emigrants to Canada was, in 1839, 17,439; in 1840, 22,000; in 1841, 28,000; in 1842, 44,374. That is the extent to which emigration now takes place from this country to the single British province of Canada, and it will be interesting to the House to see at what expense to the country this large amount of emigration has been poured into the colony; united with their friends, or planted in the spots which the individuals were desirous of occupying. The total amount paid by this country for defraying all the expenses connected with emigration, including the salaries of officers, is 12,388*l.* At this moderate cost all the advantages of superintendence to which I have adverted are secured to 44,374 emigrants in one year, being at the rate of about 5*s.* 8*d.* per head. Do you imagine, that if you had held forth the expectation that you are about to take the business of emigration altogether into your own hands, you will be able to achieve anything like this comparative amount of good at anything like this comparative amount of expense? We have had some experience on this point, to which I will advert by-and-by; but, I will ask first, is it quite certain that, by announcing that Government would give direct aid to persons desirous of going to Canada, you would greatly increase the amount of emigration? And if you did increase the number, are you sure that you would not so disturb the proportion existing between the supply of labour, and the means of employing it by capital in the colony, as to inflict the greatest hardship and distress on those whom it is your object to benefit? There is another point of view in which this question must be considered. Supposing that you, by giving direct Government aid, increase the amount of emigration, is such a course of proceeding fair to those emigrants who go out by their voluntary exertions? In the first place, will you not paralyse all exertion on the part of those who now gather by their own exertions the means of transporting themselves to the colonies? In the next place, will you not, by increasing the amount of emigration, raise the charge of freight to voluntary emigrants? Again, will you not expose those emigrants who have exhausted their means in transporting themselves to the colony, and now depend on their labour for subsistence, to unfair competition, by sending out their neighbours at the public expense. Let not any hon. Member treat lightly the idea of competition for labour in Canada. Rely upon it, that in Canada the competition for labour is as keen as it is elsewhere. Our fellow-countrymen in Canada have not only to compete with each other, but with the inhabitants of the United States. The hon. Mover referred to the United States, and remarked how much better things were managed there; that there was no distress there—that the land sales were enormous, on which point, however, the hon. Gentleman is mistaken. [Mr. *C. Buller:* the land sales are increasing.] It is not so; they are very much falling-off. But leaving that point for the present, I will show the competition to which labourers are subjected in Canada. In the course of the last year, some considerable public works were undertaken in Canada, and persons emigrating from this country supposed that the demand for labour would be great, and that they would be sure to obtain employment immediately on their arrival. It happened, however, that the works were to be executed by contract, and the contractors did not find it their interest to employ fresh emigrants, unaccustomed to and unskilled in the work. They knew, that by employing skilled labourers, they would get the greatest amount of work performed at the least cost. And where did they get these labourers from? Chiefly from the United States. Labourers emigrated in large numbers from the United States into Canada, because, owing to the commercial difficulties and embarrassments which occurred in the former country, they could obtain no employment there, and they were driven to seek a market for their labour amongst people speaking the same language with themselves, and governed by nearly the same laws. In addition to the 44,374 persons who went from this country to Canada last year, it has been ascertained, that no fewer than 6,000 emigrated from the United States into the colony in search of employment. It appears that from the port of New York alone, in the course of the last year, 9,900 persons, who were unable to find employment, re-emigrated, not to Canada, but to this country. Now, I ask whether, if, in the face of these facts, we, by exciting exaggerated expectations, should give a stimulus to emigration, and thereby overstock the labour market in Canada? I ask whether we should not defeat the humane intentions of those who think it desirable to establish a more extensive system of emigration? This argument is still more applicable to other colonies. From New Brunswick I have received the most earnest entreaties, that I will exercise the influence I may derive from my official position to deter persons going from this country to that colony in seach of labour, because the labour market there is already overstocked. I can assure the House, that in these colonies it is difficult to find employment to that description of labourers, whom the colonists are most desirous of having amongst them, and whom, as the hon. Member for Rochdale observed, we can least afford to part with here—namely, the young, the active, and the hardy, who are conversant with agricultural labour. Those are the labourers who stand the best chance of obtaining employment in the colonies, but at the same time they form that portion of our population which, with a view to relieving the distress of this country, it would be least desirable to part with. Let the House suppose the case of a young married couple, strong, healthy, accustomed to field labour, they would belong to the class which it was most desirable to obtain in the colony, and the least desirable to lose. By the terms of the motion, however, one would suppose that the intention was, not to send those out to the colonies who would be likely to prove the most acceptable, but rather those whom we could best spare—the sweepings and refuse of the manufacturing districts, the old, the impotent, the feeble, the sick of the towns; not the sturdy agricultural labourer of the rural districts; who is the only sort of man who would do well in a colony. It may be humane to bring forward such a proposition as the present, and I am quite sure that it is brought forward with the best possible intentions; but I confess that I see no great humanity in merely removing paupers from under our eye and observation, and exposing them to sufferings and hardships which we have no right to inflict? [Mr. *C. Buller*: I do not propose that]. I am aware that the hon. Member does not; but I am surprised that the hon. Member, after declaring his approval of the plan of emigration which has been in operation during the last nine or ten years, should have concluded by moving an address to the Crown to take the subject into consideration with a view to the relief of the distresses of the country. I am aware that there are theories and plans put forth day after day which are calculated to give birth to the most extravagant expectations. We are told that the Government should learn wisdom, abandon the plan on which it has been acting with reference to this question during the last few years, and adopt some large and comprehensive scheme of emigration. These theorists talk of sending out millions of emigrants at once. Comprehensive schemes, indeed? One of these comprehensive schemes was sent to me this morning by a gentleman who ought to know something of the subject, and who thinks he does. The gentleman I allude to is Mr. James Silk Buckingham who accompanied his pamphlet by a note, in which he expressed a hope that I would not consider his plan visionary and impracticable. I am, however, sorry to say, that anything more visionary and impracticable, it was never my fortune to meet with. Yet this scheme is described by a *Colonial Gazette*, or *Colonial Magazine*, or some such publication which professes to be well acquainted with colonial matters, as—

> "A plan of national colonization for the relief of the mother country and the benefit of the colonies, which cannot fail to attract considerable attention at the present moment."

Now, this plan is based upon the proposition which I will read to the House:—

> "The whole of the unappropriated lands in the colonies being the property of the British nation, the Legislature has the undoubted right to dispose of them in any manner in which, by an act framed for that purpose, they may think fit to prescribe—regarding, as the basis of such act, the present exigencies of the British population, and the importance of their well-being to the general national welfare."

"Mr. Buckingham, who has, I believe, published an account of his travels in the United States, ought to have been aware, so far from all the land in the British North-American colonies being at the disposal of the Government, it cannot dispose of a single acre. The whole of the land is exclusively at the disposal and under the control of the local legislatures, and not a single shilling obtained for them was at the command of the Government or Parliament of Great Britain. Other details of this scheme, are of the most extraordinary character. Mr. Buckingham says:—

> "If, in the first year in which such an act should come into operation, a million of persons should be conveyed, at the public expense, across the Atlantic, the savings in the poor-rates and private charity alone throughout the kingdom would more than pay the cost: for the ships being the property of the nation, and the seamen and officers already in its pay, the really additional expense would be very trifling; certainly not 5,000,000*l.*; and thus, supposing 10,000,000*l.* to be saved to the country by this relief, a fund would remain, out of which might be provided all the necessary implements of husbandry, seed, and cattle, for the first settlement. These being collected in dépôts, in each province, might be supplied to individual settlers, at a year's credit, payable on the spot; with power to distrain if not punctually discharged, or to defer for another year, if special circumstances warranted such an indulgence; so that the actual outlay of the Government in capital might be fully saved to the country, in diminished poor-rates and charitable contributions, and all the supply of implements, cattle, and seed for first stocking farms be reimbursed in two or three years at the farthest."

In another paragraph of the same work, Mr. Buckingham proposes an extension of his plan in these words:—

> "An act might therefore be passed, authorising the free gift of certain fixed and defined portions of such lands to families or individuals applying for them on certain conditions to be prescribed, not at the discretion of any governor or other public authority, but by a law and regulation bearing equally upon all, and free from the possibility of any favour or preference for any."

Mr. Buckingham, in the third paragraph of page 9, of his pamphlet, said,—

> "That in order to insure the best practicable guarantee for the due fulfilment of the conditions on which such free gifts should be made, the power of Government to resume possession of all lands forfeited by non-performance of the requisite conditions, and the power of regranting them to others, should form a part of such act."

This writer further continued to say,—

> "That the requisite free conveyance of all applicants for land under certain fixed regulations also should be provided for by the same law, and the Government be authorized to employ the requisite number of ships, as well as to make such grants of money as might be voted in the naval estimates of the year for that purpose."

This is, perhaps, the first time that the House has heard of levying a distress upon a million of men. It is greatly to be regretted, I must say, that such works are printed and puffed, and put forward in a manner calculated to excite such unfounded and mischievous expectations; I will, however, take no farther notice of such schemes, and I feel assured that the House of Commons will take good care that they give no countenance—nor the smallest degree of sanction—to such projects by adopting ambiguous phrases, such as "comprehensive schemes of emigration" to excite extravagant expectations in the public mind. We have tried to a certain extent the scheme of sending out and settling emigrants at the public expense. It was tried, on the recommendation of a committee which was appointed at the instance of the late Sir Wilmot Horton. In the years 1823 and 1825 emigrants were sent out at an expense of 23*l.* or 25*l.* a-head, instead of 5*s.* 8*d.*, as was the rate of expenditure in the year 1842. There is nothing new in those plans, they have often been proposed; but to talk of distraining on a great multitude of emigrants is absurd. The expenses incurred in the years 1823 and 1825 were regarded in the light of loans to the emigrants; but not a single shilling had ever been recovered from them. The only means of dealing with lands to be given to emigrants is to sell them for cash. With respect to Canada, the danger always has been lest the labourers seeking for employment should outrun the means of occupying them which the colony possessed, and nothing, I think, could be more unadvisable than that Government should enter into an extended plan of pauper emigration. That facilities should be given for the introduction of capital into that colony is a truth which no one can deny; but it should at the same time be remembered that the means at the disposal of the Government are exceedingly limited. They can do little more than give every facility for the acquisition of titles to land, and to see that no obstacles arise in the Surveyor-general's department. This the Government is bound to do. Further, I must inform the hon. and learned Gentleman, that a great improvement has taken place since the hon. Member presented a report on the subject to the late Lord Durham. Almost all the recommendations of the hon. and learned Gentleman have already been adopted. Our North American colonies do not want a supply of mere labourers, neither do they present a field for the extended speculation of large capitalists who have generally failed; but I believe for men of moderate means, the Canadas offer a very fair prospect of success. The necessaries and comforts of life can there be procured upon a much smaller income than in England, or perhaps in any other part of the world; for that middle class, for the younger sons of gentlemen, our North American possessions hold out many attractions, and contain a very favourable field for settlements. The case of our Australian colonies is, however, widely different, and the system to be there observed wholly dissimilar. The hon. and learned Member for Liskeard said, and I agree with him that if one of those colonies could be suddenly attached to our shores the occupation of wild lands would be instantaneous; but, supposing that colony were not to be attached, but merely so situated as that only a narrow strait separated the new from the old country, would not a bridge like that at Menai be thrown across? Certainly it would, but a toll must be charged. Then the question is put—why did we not make as much of our land sales as the Government of the United States did? But it is well known that the tide of emigration is in the United States constantly flowing from east to west; no bridge is there required; the people wanting land push each other forward; but even there the work of advancement is overdone, and will never cease to be overdone, so long as excessive trading and fictitious credit continue to exist. The sales of land in the United States realised the following sums:

In 1835	16,000,000 dollars
1836 .. ,. ..	25,157,000
1837	7,000,000
1838	4,000,000
1839	6,000,000
1840	2,700,000
1841	1,024,000

I have taken these figures from the *American Almanack* for 1843, and I believe they are correct. The Australian colonies are differently circumstanced from Canada. In Canada, the danger to be apprehended is that of the supply of labour being disproportionate to the amount of capital available for its employment: in Australia the danger is that the capital will be disproportionate to the supply of labour, and the distance is so great, that the poor man cannot afford to emigrate. The circumstances of the colonies being different, it is necessary that different systems should be applied to them. The hon. and learned Gentleman recommends that all land shall be sold at a fixed price, and that the proceeds of those land sales, or, at least, a very large portion of them, shall be applied to the introduction of labour; and he thinks it wise that a high minimum price should be maintained, to prevent the population from spreading over too large an extent of country; and he thinks, and there I quite agree with him, that it will have the effect of checking the too rapid absorption of labour, at the same time that it increases the fund by which labour is to be introduced into the colony. It will make it more difficult for the labourer to rise to the station of a proprietor, and will thus tend to diminish the disproportion between labour and capital. But that principle is already in operation. That principle was introduced in 1832, and has been retained up to the present time, though some alterations, it is true, have since been introduced. The maximum price was fixed in 1839, and again last Session some further changes were introduced, but only with a view to carrying the principle out to its full extent. And what, I would ask, has been the progress of the prosperity of the Australian colonies under that system? I will deal with New South Wales alone, and I will show what has been the progress of New South Wales during the ten years beginning with 1832 and ending with 1841? Take what criterion you will, try what test you please: take the increase of population, the amount of revenue, the increase in the exports or in the imports, I care not by which test you try it; but by any or all of them you will find, that the colony has been making an astonishingly rapid progress under the present system. I find that in the year 1832, the population of New South Wales amounted to 50,000; in 1834 it had risen to 60,000, and in 1841 to 149,000. During these ten years the immigration amounted to 56,851 persons, of whom 23,200 were conveyed to the colony in the last year of the series I have named, and nearly the whole of that number had the expense of their conveyance to New South Wales paid for out of the proceeds of the land sales. Let us take another test. What were the imports into New South Wales? I find the imports in 1832 amounted to the declared value of 604,000*l.* In the year 1840 they reached the amount of 3,014,189*l.* That, however, was a year of great and extravagant speculation, and the amount of the next year was considerably less; but, notwithstanding the falling-off in the imports of 1841, they still exceeded 2,000,000*l.* I now come to the exports from the colony. In 1832 they amounted to 384,000*l.*, in 1840 to 1,399,000*l.*, and in 1841 to 1,232,000*l.* The colonial revenue in 1832 was 124,000*l.* This revenue has constantly gone on increasing since then, and in 1841 it amounted, exclusively of the proceeds of the land sales, to 539,248*l.* Are not these tests sufficient to show the progress of the colony? and what other colony can be named in which a similar progress has been made during the same period of time? I do not mean to say that I attribute the whole of this progress to the system of land sales, but I do believe that a large portion of it may be attributed to that cause, and to the system of emigration established in connection with those sales. That principle has been established, has operated beneficially, and sincerely sorry should I be to see it interfered with. So much do I approve of that principle, that last year I myself introduced a bill for the express purpose of strengthening that principle, and preventing it from being abandoned at any future time without the express sanction of Parliament. But the hon. and learned Gentleman says the whole of this proceeds of the land sales, every portion of the fund raised by those sales, should be applied to the conveyance of emigrants from this country to the colony. Why, in point of fact, a great deal more has been done than that. More than the amount realised by those sales has been so applied. More than 1,000,000*l.* has been expended during the last ten years upon emigration. From 1832 till the present period the land sales have produced 1,042,000*l.* The amount actually paid for the purposes of emigration, according to Sir George Gipps, was about 1,200,000*l.*, but in this sum must be included payments on account of the aborigines; all parties, however, admit that payments on that account ought legitimately to come out of the land fund. But then the hon. and learned Gentleman says, that though the present system has worked well, it has not worked so well as it might have done. I had hoped the hon. and learned Gentleman would not have concluded his speech without explaining to us what measures he would recommend for making the system work better. I had hoped he would not have concluded with a motion for an address to the Crown, praying her Majesty to take into her most gracious consideration the means by which extensive colonization may be most effectually made available. I had hoped he would not have concluded without pointing out what portions of the plan did not work well, or by what means they might be made to work better. [Mr. *C. Buller* had endeavoured to point them out.] I think the hon. and learned Gentleman made three suggestions. He raised the important question as to what would be a sufficient minimum price for the sale of land, but he did not say whether he considered the price at present charged was too high or too low. Nor did he say what alteration he would propose in the present plan, further than that he considered a fixed price per acre preferable to the plan of selling the public lands by auction. The hon. Gentleman also said that he would anticipate the proceeds of the land sales by a loan, and that he would apply the whole of the proceeds to the purposes of emigration. I have shown him, however, that in New South Wales more than the proceeds of those sales have been applied to that purpose, a portion of the revenue of the colony having likewise been expended on it. I come to another of the suggestions of the hon. and learned Gentleman. He argues that the sales should be by a fixed price and not by auction. This is a point that has been most carefully considered, both by the Government here, and the Government in New South Wales, and has been settled by the deliberate judgment of Parliament, by the act which was passed last year. The hon. and learned Gentleman says I introduced that bill after having been only six months in office; and he expresses a hope that I will not adhere to views adopted after so brief an experience. I can assure the hon. and learned Gentleman, however, that I did not introduce that bill on my own experience or judgment, but on the judgment of a committee of the House of Commons, who had examined the subject with the utmost care, and had particularly directed their attention to the question, what ought to be the price of land in the Australian colonies. I do not mean to say, that that act must on no account be altered; but, although I do not consider that law, or indeed any law, can ever be secure from alteration or amendment, yet I will say this: the object of the act of last year was to secure to the settlers of Australia a fixed system, and to prevent the fluctuations to which they had formerly been liable; and I should decidedly object to any proposal for the alteration of that act, before we have received some announcement as to what the effect of its enactments has been in the Australian colonies. I should particularly object to any alteration at the present time, seeing that we have not yet even received news of the arrival of the act in New South Wales. Nevertheless, the hon. and learned Gentleman moves an address to her Majesty, praying that she will take the subject of colonization into her consideration. Why, the subject has been under the constant consideration of the executive Government for the last ten years. Amendments, suggested by experience, have from time to time been proposed and sanctioned by her Majesty's Government and by Parliament, and we have been acting for the last five years upon the very principle contended for by the hon. and learned Gentleman. I should be glad to have been relieved of the necessity of entering into these details, but the hon. and learned Gentleman has invited me to enter into them, and I find myself obliged to trespass on the time of the House, at the risk of wearying it. Now, with respect to the question, whether the adoption of a fixed price for land is to be preferred to the plan of selling it by auction. We have the highest authority in the colony for the plan of selling by auction, rather than by a fixed price. The noble Lord who preceded me in office as Secretary of State for the Colonies, recommended sales at a fixed price, and sent out positive orders to the colony to that effect. The Governor, however, and the Legislative Council, took it upon themselves to express doubts as to the policy of the proposed plan. Nay more, they took it upon themselves to suspend the orders of the noble Lord, and they sent over a series of statements to show, that had the system of a fixed price been in force, instead of that of selling by auction, a much smaller sum would have been obtained towards the purposes of emigration. I have a return of the sales of land in Port Philip, which shows, that had the principle of a fixed price been in force, the loss upon the sale of 60,220 acres would have amounted to no less a sum than 893,490*l.* Upon that single transaction alone, and upon the lands sold in the same settlement, from 1837 to 1840, had the fixed price system been in force, the loss, as shown by the same return, would have been no less than 134,000*l.* The hon. and learned Gentleman said that might be a loss to the public, but it was no loss to the colony. In that opinion I cannot agree. The money difference, so far as the importation of labour is concerned, was a dead loss to the colony, and an addition to that capital which was said to be already superabundant. No doubt, the money must have remained in the hands of some one. The Government and the colony would have lost the money, but it would have got into the pockets, not of the settler, but of the speculator, possibly residing in this country. Such was the case at Adelaide; the money got into the hands of the speculators, and the settlers were obliged to pay such prices for their land as, if properly applied, would have imported labour enough to supply all the wants of the colony. As it was, the speculators gained, and the fund for the importation of labour was so much diminished. So convinced was the noble Lord opposite (Lord J. Russell) by the arguments of the governor and Legislative

Council, who most singularly were supported by the report of a committee of that House, which made inquiries in total ignorance of the report from the colony—so convinced was the noble Lord, that having sent out the orders in May, 1840, in August, 1841, he issued instructions, cancelling his previous orders, and reverting again to the sale by auction as the most desirable for the prosperity of the colony. Well, the noble Lord was convinced of the soundness of the plan of sale by auction by the strongest testimonials in its favour from the colony; the Legislature, acting upon the recommendation of a committee of that House, adopted the same plan last Session; and now, with an act passed last year for the regulation of this very matter, and before we have any information that this act has even reached the colony, the hon. and learned Gentleman suggests that we should do away with that act, and—[Mr. *C. Buller* had made no such suggestion.] The hon. and learned Gentleman says, he suggested nothing of the kind; but, if so, I must have greatly misunderstood the arguments of the hon. and learned Member. I listened to his speech with the greatest attention, an attention which in every sense was due to such a speech, and I really thought I could not have been mistaken in the inferences I drew from it. The hon. and learned Gentleman, however, will, perhaps, say that an increase in the price of land led to a diminution of the land sales. He masks himself in obscurity as to what the plans are which he wishes us to adopt. I try to extract from him what the faults are which he complains of in the present system, and what the improvements are which he is desirous of introducing, but on these points I cannot get him to speak. He says, the increased prices obtained by the sale of land caused a falling-off in the land sales; but if a smaller quantity of land was sold, still a greater amount of money was received for it, and if I am called upon to assign a cause for the falling-off in the sales of land, I will tell the hon. and learned Gentleman to what I attribute that falling-off. I do not attribute it to the increased price at which the land was sold, but I attribute it, in New South Wales as in the United States of America, to exorbitant speculations, fostered by the creation of a fictitious capital. For a time this fictitious capital, and the speculations to which it gave rise, led to the investment of large sums in the purchase of land; but when the bubble burst, the same consequences followed as are certain to follow in every country, and at every time. To show that these are not merely my opinions, I will read to the House an extract of a speech delivered in the colony by Sir George Gipps. I am really sorry to trespass so long upon the House, but I wish to show the view taken on this subject by the highest authority in the colony. Sir George Gipps says:—

> "The present indisposition to buy either land or stock cannot therefore be attributed either to the dearness of land, or to the scarcity of money. To what, then, is it to be attributed? I answer, principally, if not solely, to the general panic which has succeeded a general mania. There is no occasion to go far in search of reasons for the existing derangement of the colony. Wherever a mania for excessive speculation rages, there surely will follow a season of depression; the one, in fact, succeeds the other as naturally as the hot fit of an ague succeeds a cold one. It is this general panic which causes people to hold back from purchasing either land or stock; they hold back, for the most part, in the expectation that prices will fall still lower than they now are, some few, perhaps, in the apprehension that the whole colony is really going to ruin. I need not go at length into all the causes which produced the late mania, or (which is the same thing) brought capital to this colony in excessive quantities between the years 1835 and 1840. Various circumstances conspired during that period to turn the attention of English capitalists to the Australian colonies. I will allude only to the attractive theories which were then put forward by the disciples of the Wakefield school, and to the vauntings of the excessive riches of New South Wales, which are to be found in the evidence taken before the transportation committee of the House of Commons. The real El Dorado was at last said to be found in Australia, and the only question asked was, why people would not come and share in the vast profits we were making. Capital then began to flow into the colony a great deal faster than it could be advantageously invested. For a time, however, all looked well, and the demand for stock which the opening of Port Phillip and South Australia created, caused the price of sheep, oxen, and especially of horses, to rise very rapidly. That during these years far too much capital came into the colony will, I think, be admitted, if we only consider the shape in which it must have come; and here I must be permitted to say that there appears to me to be a great want of clearness of apprehension as to what capital consists of. Many persons talk of bills of exchange or letters of credit, as

if they were capital, which they are not, but only the representatives of capital. To transfer capital from one country to another, there must be a transfer of something corporal, something which in the widest acceptation of the word constitutes 'merchandise.' A man who, when about to emigrate to New South Wales, purchases in London a bill on Sydney, does not himself transfer his capital; he only makes a bargain with another party, who engages to do it for him; and that other party must send merchandise to meet the bill he draws, or it will be only a matter of account between himself and his correspondent, without any real transfer of capital having been effected. The desire to emigrate to Australia during the years I have mentioned, causing a great demand for bills on Sydney, such bills were drawn, and, in order to meet them, vast quantities of goods were sent to Sydney, which were never ordered; in fact, the consignments of goods were no longer regulated by the state of the market in the colony, or by the demands of the merchants resident in Sydney, but by the demand which existed in London for bills on Sydney. Hence, enormous quantities of goods were sent to our market, quantities altogether disproportioned to the demand; the bills, however, drawn on account of these goods, were honoured, and the parties to whom they had been given were here with money in their hands. A great deal of this money was invested in mortgages or in loans—in loans, perhaps, to parties who never ought to have been trusted; much of it, also, was invested in the purchase of Government lands, and especially of town allotments (or building land) not immediately productive, but expected rapidly to rise in value. The large sums realized by the sales of land were deposited, by the Government, in the banks; the banks, consequently, increased their discounts; credit became greatly extended, and there was what is called an abundance of money. The colony appeared to be in a state of extraordinary prosperity; the number of ships in our harbour was pointed to with exultation; and it became a matter of boast, that we imported more goods from England than did the whole empire of Russia. And so matters went on—consignments increasing, land sales increasing, Government money in the banks increasing, and discounts increasing, until the hollowness of the whole system was at length exposed. Merchants then found out that they had goods which they could no longer sell at any price, or at any credit; that their stores were full of articles for which there was no demand, from steam-engines down to pocket-handkerchiefs; and what was still worse, of articles which had better been sunk to the bottom of the sea than brought into the colony—such as carriages, champagne, and bottled porter. The quantity of these latter articles consumed during the period of this fictitious prosperity was enormous. Why, the whole country, for miles, almost for hundreds of miles round Melbourne, is strewed to this day, with champagne bottles. All these articles of luxury or folly, whether consumed or not consumed, constituted a dead loss to some party or other (it is to be hoped that the greater part of the loss fell upon the parties who sent them there); other articles, useful in themselves, but perishable in their nature, rotted in the merchants' stores; and even articles, not perishable in their nature, were sold so far below their value, or to persons who have since become insolvent, that a large proportion of the capital introduced into the colony during the last five or six years, whatever shape it came in, may be considered as already absolutely lost, and more, I fear, is going the same way. Nevertheless the cry is, that we want more capital from England, and that part of our distress is owing to our having sent capital out of the country to pay for emigrants! Capital, I will allow, we do want, but only under certain conditions; that is to say, on condition that the capitalist, or the person to whom it belongs, come with it—that he come and form one of us, and identify himself with our interests; and I do not doubt that any one possessed of common prudence, who will do this, will find that Australia is not yet a ruined country. But I desire to see no capital come here without its owner, to be invested only in loans or mortgages, at usurious interest; let us, rather than accept such fatal offerings, resolve, one and all, to exercise the most untiring industry, and the most pinching economy; and let those who cannot afford to hire shepherds go themselves and tend their sheep, as did the men who first laid the foundations of the wealth of Australia. This is the true way to dispel the existing panic, and to cause those to make investments in the country, who now hold back."

There is one feature in the case of Australia so peculiar, and such an exception to the general principle which guides colonization, that my statement would be imperfect if I omitted to call the attention of the House to it. The produce of the land sales is applied strictly to the purposes of immigration, but there is a large portion of the people who have invested fictitious capital in the extension of agricultural operations, who contributes in no degree to the expenses necessarily attendant upon obtaining the labour they stand so much in need of. They are not purchasers of land, they are what is technically termed squatters; they go into the wilds, where they multiply their flocks—they complain loudly of the want of labour, but they contribute nothing towards importing it. The system is well explained in a report from the Land and Emigration Commissioners, and with the leave of the House I will read a passage from their report:—

> "Each allotment of land for which a licence is thus given is called a station, and the size of the stations may vary from 5,000 to 30,000 acres. The extent to which this system has been made use of is very large indeed. By the latest return which we have seen, being for the last half-year of 1840, the number of stations was 718; the people living within the districts in which they were comprised amounted to 7,068; there were between 9,000 and 10,000 acres in cultivation, and the stock amounted to nearly a million and a half of sheep, besides a large quantity of horses and cattle. The extent of the lands over which the parties had a right to depasture this stock is not stated in the document to which we are now referring; but in the similar return for the previous half-year, when the number of stations was only 673; the runs were estimated to reach over 3,022,560 acres."

4,000,000 or 5,000,000 of acres are occupied by "squatters" maintaining 1,500,000 of sheep besides cattle, and requiring of course a large amount of labour, yet paying for each of their "stations," averaging 14,000 acres, only 10*l.* And these parties complain of the "deficiency of labour" who thus contributed little or nothing to the resources of the colony. Now I say nothing against these "squatters." I believe them to be, indeed, a useful and important class. I am aware that these grazing licences are necessary; but I think that without any hardship, though they are partaking in the general depression (and in saying this I speak the opinions of Sir G. Gipps, and of the noble Lord who preceded me at the colonial office,) the contributions of these parties to the funds of the colony for the purpose of promoting immigration might be advantageously increased. But the Government finds great difficulty in proposing an augmentation of the charges payable by these people, for, as a considerable portion of the population was included in the "squatters," any such proposition was certain to excite a feeling at once of derision and dismay among them. They represented, that if their charges were increased beyond the present average of 1*d.* per sheep, they would not be able to compete with the wool of other countries in our markets. Now on what terms are they competing now? I will read an account of wool imported into the United Kingdom for ten years, ended 1841:—

Years.	From Australia.	From Other Places.	Total.
1832	2,377,000	25,752,000	28,129,000
1833	3,517,000	34,529,000	38,046,000
1834	3,558,000	42,897,000	46,455,000
1835	4,210,000	37,965,000	42,175,000
1836	4,997,000	59,243,000	64,240,000
1837	7,061,000	41,319,000	48,380,000
1838	7,837,000	44,757,000	52,594,000
1839	10,129,000	47,251,000	57,380,000
1840	9,721,000	39,715,000	49,436,000
1841	12,309,000	43,772,000	56,171,000

PROPORTION OF AUSTRALIAN TO THE TOTAL WOOL.

(Shown in Hundredths.)

1832	·08	1837	·15
1833	·09	1838	·15
1834	·08	1839	·18
1835	·10	1840	·20
1836	·08	1841	·22

I can not, then, believe there would be any serious risk to the wool-growers of Australia, even though their burthens were increased from 1*d.* to 2*d.* or 3*d.* per sheep; and I feel confident that the result would be, on the contrary, beneficial to them by increasing the funds disposable for the encouragement of the emigration of labourers, about the want of whom they are so clamorous. I believe the welfare of the colony is to be sought not in anticipating future land sales, but by steadily adhering to a system which produces year by year an amount capable of paying for the importation of a large amount of labour, and which affords the most practical means, not merely of supplying the greatest amount of temporary relief—which is comparatively a trifling consideration—but of creating an improvement in the colony, consequent upon a due, but not over-satisfied demand for labour. I thank the House for so patiently listening to what, I fear, has been a dull discourse on a necessarily dry subject. In most of the doctrines of the hon. and learned Gentleman, who has brought forward the subject I agree. In some of his details I differ from the hon. Member, and, having shown that the system of which the hon. Member approves has been for years carrying on, under the special control of Government commissioners, furnishing the public annually with the authentic results of their experience—I declare my conviction that by adopting the motion of the hon. Member, the House would run the risk of exciting great expectations, far from being countenanced indeed by the able and moderate speech of the hon. Gentleman, and of leading to inferences the hon. Gentleman himself disclaims—producing an impression that they are about to introduce some new or altered system, instead of continuing one which has for years been carried into operation with the sanction and support of the Government; therefore I can not concur in the motion proposed by the hon. Member, though feeling the most sincere respect for the manner in which it has been brought forward, and for the motives by which the hon. Member has been actuated, and which doubtless lead many to share in his anxiety for some remedy to existing depression, and for some relief to the colony. I am unable to see anything practically useful in acceding to the proposition as brought forward—but believing, that out of doors great want of information prevails upon this subject, which would the rather be productive of serious error were this proposition put forth by the House. I feel compelled (with every disposition to deal as respectfully as possible with it), first, to negative the amendment to the motion of the hon. Gentleman, and next, to move upon that motion the previous question.

Viscount *Howick* said, before the House came to the vote on the hon. and learned Gentleman's motion, or whether they should come to a vote on it or not, he wished to express his opinion that the House and country were deeply indebted to the hon. and learned Gentleman for having brought this subject before them, and for the manner in which he had done so. He thought very great advantage would arise from this discussion and the able speech with which the hon. and learned Gentleman had introduced the motion to their notice, was calculated greatly to enlighten the public, and to promote hereafter measures of great utility on this subject. He had also heard with considerable satisfaction, on the whole, the speech of his noble Friend who had just sat down. He had heard with great pleasure from his noble Friend, that he did approve to the extent stated by him, the system of emigration which had in the course of the last few years been gradually introduced and brought into practice in this country, but he confessed he a little regretted that his noble Friend's approbation of that system was, as it appeared to him, somewhat too unmixed and too unqualified. His noble Friend spoke as if we had already established a perfect system with reference to this subject. Now, on the contrary, he confessed that his opinion was strongly fixed that we were, it is true, on the right road, but that we had not yet by any means made all the progress which it was desirable we should make in following that road; and in the speech of his noble Friend, there were many statements which showed that, great as had been the results of what had already been done, much more might have been accomplished if the principles on which this system of emigragration was founded had received more consistent and decided application. His noble Friend had pointed out how much had already been accomplished; he had drawn a contrast which would afford matter of congratulation to the country, between the manner in which emigration was now conducted, and that which was in use three or four years ago. His noble Friend had adverted, in the first instance, to the North American colonies, and afterwards to those of Australia; he had shown that in the North American provinces a system was formerly acted on, than which there could hardly be a worse—he made a mistake in calling it a system for it was none at all—it was a mere confused series of emigrations, without any system at all — utterly irregular, and, though productive of some good, undoubtedly leading to much misery and distress. A state of things so unmethodical, was completely at variance with that which now prevailed under a system which protected the emigrant from the time at which he left this country to the period of his being settled in North America. No doubt much good had been done by the change; but he confessed he was by no means satisfied, even now, with what had been accomplished. He called on the House to remember the statements of his noble Friend with respect to the condition of the emigrant market in North America. His noble Friend showed that a very large emigration was now taking place, but in such a manner, that there was constant danger that even in those colonies, the supply of labour might exceed the demand. He was persuaded that this arose entirely from the defects which still existed in the system now followed. In those countries there was an unbounded extent of fertile land; capital at home was in abundance, ready to be employed in the improvement of that land; and having the land and the capital, it could only proceed from some faults in the system, that with those advantages there should still remain a risk of deficiency of employment. It would take too much time if he were now to point out the mode in which those faults should be corrected; but he could not help observing, with reference to this point, that the great difficulty in the whole system hitherto had been, that the measures pursued had been changed too rapidly; there had not been one continuous system, followed up constantly and vigorously. Views at one time adopted and partially acted upon had not been followed out, and that, in his opinion, was the cause why much less had been accomplished than would otherwise have been practicable. For instance, his noble Friend had told them that in New Brunswick, where the colonists had begged and prayed that an additional number of labourers should be sent out, employment was not now to be found, and the supply of labour exceeded the demand. Now, when he looked at the very small number of emigrants who had really gone to New Brunswick, he was perfectly persuaded this result could never have taken place if the measures which had been in progress had been fully carried out. That was what he complained of, and he was inclined to think there was some necessity for a further investigation of this subject, and for the adoption of some means, such as those to which his hon. and learned Friend adverted, for the purpose of extending and giving effect to the existing plan of emigration. He happened to know, in consequence of having held a situation in the Colonial-office, under Lord Ripon at the time, that an officer of the government of New Brunswick had come to this country some years ago, and that in concert with him, plans were at that time prepared for the purpose of carrying on emigration to that colony on a much larger scale. His noble Friend had told them, and he thought most justly, that the whole system of settling persons on land, and granting them advances, and then going to them for the repayment of those advances, was radically wrong, and had invariably ended in disappointment. He believed that was a correct description of the system; he believed that no worse policy could be pursued than to adopt a system by which the executive Government of the colony was made the creditor for small sums to a very large part of the population; and that any system of that kind had been invariably attended with very injurious consequences. Frequently those evil results were not confined to the mere loss of the money, because, unfortunately, it was the tendency of the policy to give a premium on the separation of the colony from the mother country. Any system of that kind, therefore, he should regard as most impolitic and unadvisable. But, in accordance with the principles on which emigration was conducted to New South Wales, he thought it would be a most beneficial course to act on views which had once been detailed to him in a very able manner by a person engaged in the public service in New Brunswick, which were favourable to the employment of no very large sum of money in the clearing of land in the wild parts of provinces, in the formation of roads, in preparing houses for the occupation of emigrants, and in surveying ground for sale. By undertaking operations of this kind, Government would provide employment for emigrants as soon as they arrived in the colony. Under the direction of its officers, many emigrants might be employed in works of this kind, and by the increased value given to the Crown lands he had not the least doubt that the outlay would soon be refunded. Thus, no very large sum of money might be the means of promoting the emigration and employment of a very large number o persons. Such a course would be precisely in accordance with what was now doing in Canada. There, his noble Friend had told the House, emigrants were assisted in finding employment by having the most probable sources pointed out to them, and by being provided with facilities for repairing to those places where it was to be obtained. In that way much had been accomplished. Again, with respect to New South Wales, his noble Friend had pointed out the great results which had followed from comparatively small beginnings; but if the House would only look at what had taken place in the course of the eleven or twelve years which had passed, since the system of disposing of the Crown lands in Australia was first altered, and the present scheme of sending out emigrants had been adopted—if they would only look at the history of those transactions, he believed they would agree with him, that, though much had been accomplished, a great deal more might have been done. In 1831, for the first time, the system of free grants was brought to an end, and that of selling lands by auction was adopted. The minimum price, which in fact regulated the price of land in the country, was fixed at *5s.* an acre. Now it must be perfectly clear to every one who had taken pains to examine the principles on which the measure was founded, that the price of *5s.* was much too low. Why was that adopted? Simply because the change of system was made, he believed, he might say, against the opinion of every man connected with the colony. He remembered that, when he was Under Secretary of State, he was on more than one occasion charged with the disagreeable duty of receiving parties who came to the Colonial-office with complaints respecting the price of land. He believed his noble Friend opposite knew that that was a duty of a very unpleasant description, and one which the principal occasionally turned over to his subordinates. At the time of which he spoke, an opinion unfavourable to the new policy was universal among persons interested in the colonies; their outcry was so strong, that it was felt to be prudent to begin a little gently, to get the scheme into operation with a price of *5s.*, and as soon as they could do it with advantage, to raise the price. But what took place? A price of *5s.* was established in January, 1831, but after Lord Ripon left office, the views on which that noble Lord had begun his measures seemed to have been very much forgotten, and for a long series of years no change was made. He had expected that the rise of price would be progressive, and that in four or five years it would be considerably heightened, but instead of this, it was not till 1839, as his noble Friend had told them, that the price was raised to 12*s.*, and not till last year that it was raised to 1*l.* If a price was to be imposed at all, it was his opinion that, on the principles by which that system was recommended, the present price was still too low; but, as his noble Friend very truly stated, this was a most unpopular doctrine in the colonies. Now, as then, the cry in the colonies was all for cheap land. Notwithstanding all the experience they had had of the disadvantages of the system formerly pursued, the prevalent notion among the colonists still was that land ought to be cheap. Yet what had been the results of the change of system? He begged to call the attention of the House to this point, that in 1831, when the system of selling land was first established, there was no such thing as any emigration of the labouring classes to New South Wales. A commission was appointed to consider the subject of emigration, of which he (Viscount Howick) had the honour to be a member, and of which the Duke of Richmond was chairman. It was found on inquiry that not a single ship sailed for New South Wales in which due accommodation on moderate terms for persons of the labouring class was provided. The cheapest passage at that time afforded was in the steerage of a merchant ship, which cost from 30*l.* to 40*l.* a-head. At that time there was no general emigration; but since that period we had seen it increasing until in one year 23,200 souls had emigrated, chiefly of the labouring classes, and that large numbers of persons had all found employment within the country. In the same manner the revenue derived from the sale of land, and applicable to the purposes of emigration, had progressively increased. His right hon. Friend the Member for Portsmouth was at that time also a member of the commission, and the utmost amount which he thought it safe to rely on as likely to be received from the sale of land for the purpose of promoting emigration was the inconsiderable one of 10,000*l.* Undoubtedly that was as large a sum as would have been calculated upon by any one interested in the colonies, particularly when all those who were connected with the colonies joined in declaring that the land would never pay at a price of *5s.* What had been the result? Instead of 10,000*l.*, we had received in a single year 300,000*l.* from the sale of lands, and since the change of system had been carried into effect, as his noble Friend showed, 1,000,000*l.* had been received from this source, and actually employed in sending out emigrants from the mother country. If this great result had been obtained, although the system had not been acted on to the extent to which it was capable of being carried, if so much had been accomplished under circumstances not the most promising, would the House consent that the progressive improvement which had taken place, should now cease. He would call for no sudden or violent change —he would call for no new measures which would at once give a vast extension to emigration; but he said that, having seen that the principles recommended in the first instance by Mr. Gibbon Wakefield had practically succeeded to a great extent, it was the duty of the House and of her Majesty's Government to take care that there should be a gradual advancement in the application of the system. He agreed with his noble Friend opposite that it would be in the highest degree impolitic to attempt at once to create hopes of any great and sudden extension of emigration. He entirely concurred in the opinions expressed by his noble Friend as to the wildness of such plans as that to which he adverted; in fact, that was a case in which there could hardly be a difference of opinion. He concurred also in the opinions expressed by his noble Friend, that it would be extremely questionable policy to sanction the anticipation of the revenue on a great scale for the purpose of emigration. An anticipation to a small extent of the money derived from the sale of land might, perhaps, not be objectionable, but he entirely agreed that it was chiefly by applying money actually received that they could hope to go on safely and efficaciously in extending emigration. He was bound also to say, that it was with respect to the extent of relief they could hope to derive from any system of emigration that he chiefly differed from his hon. and learned Friend. He thought it was of the greatest importance that emigration should be encouraged to a much greater degree than at present; he believed it was in the power of her Majesty's Government to take measures which would give much greater extension to the system than it now possessed; but he confessed that the chief advantage for which he looked to measures of the kind advocated by his hon. and learned Friend was not that of obtaining immediate relief by diminishing the want of employment now so much felt and complained of. It was to measures of a different character to which they must chiefly look to attain that object; but, as subsidiary to measures of this kind, according to his hon. and learned Friend's statement, he thought colonization was particularly important. It was not merely in respect to the number of persons for whom employment was found in the colonies that he thought emigration valuable. The political advantages of measures of this kind were still more important. Daily experience showed that in a long peace, and in a fully peopled country like this, numbers of persons endowed with great energy and enterprize were to be found, for the employment of whose activity no proper field was presented at home. During a war their high spirits found vent in a military career; but in time of peace the talents, energy, and activity which might have led to eminence in the service of their country, were often deprived of occupation and led their possessor to degradation and ruin. It was in this view, more than in any other, that he thought extensive encouragement to emigration ought to be afforded. It enlarged the field for human exertion. He should not attempt to say more on the present occasion. His object in rising was merely to express his earnest hope that, however satisfied his noble Friend opposite might be with the results already attained, he would not rest under the idea that those results were all that could be attained, but that he would turn his attention to the advantages which would result from a progressive advancement of the system of emigration now in force. Although the House might perhaps not adopt the motion of his hon. and learned Friend, he could not help expressing his own opinion, that further inquiry into the subject, in whatever way conducted, would not be without great advantages. His hon. and learned Friend disapproved of another Parliamentary committee, but the inquiries of such a committee, had been already productive of great benefit. The measure of last Session, for regulating the sale of land in the Australian colonies was, in fact, the result of the report of a committee which sat on the affairs of Australia. But the inquiry could be more properly conducted by a commission or a committee further inquiry might be advantageous with a view to the selection of the most effective means for giving increased vigour and extension to the existing system.

Sir *R. Inglis* said, although nothing could be clearer than the speech of his noble Friend, the Secretary for the Colonies, it was not so complete an answer to the remarks of his hon. and learned Friend as might have been expected, both from the unrivalled talent of the noble Lord, and from his position as the representative of Government in that House. The greater part of the speech was directed to the question of emigration, not to that of colonization, which occupied the larger portion of the Address of his hon. and learned Friend opposite. He apprehended, that though colonization could not be effected without emigration, emigration might yet exist apart from all those peculiar features which constituted, in his mind, the proper character of colonization. To the speech of his hon. and learned Friend he had listened with deep interest—a speech most able, most temperate—and if his hon. Friend would pardon him for saying so—most impressive, because most serious. He concurred in almost everything that had fallen from his hon. and learned Friend in the course of his address. He had observed, that he considered his noble Friend to have left almost untouched the great question of what was to constitute a colony of this country. His hon. and learned Friend had commenced by stating the principles on which, in ancient times, colonies had been sent forth from Greece and Phœnicia, which settled on the shores of the Mediterranean. These colonists carried out with them all the institutions, civil and religious, of the mother country. Nothing, in his opinion, could deserve the name of a colony of Great Britain, which did not represent all the interests, civil and religious, of the mother country, which was not, in fact, a miniature representation of England, complete in every part, according to its proportions. It was not merely the sending of a hundred thousand emigrants, without reference to their qualifications or fitness to bear their part in a civilised community—it was not the mere protection of the home Government that constituted colonization. It was the exercise of skill and statesman-like principles in guiding and moulding the masses whom they sent out that was required to justify a Government in transferring a large portion of the community to distant lands. He held, that they were not entitled to expatriate any portion of the people of this country unless they were also prepared to give those persons the benefit of all those institutions to which they were entitled at home; and when he looked to the influence which religion had had in binding colonies to the mother country, he thought the Government very imperfectly discharged its duty to its fellow-subjects if they did not provide for every body of emigrants, in all the distant parts of her Majesty's empire, all those means of education, and of worship, as well as civil government, which they had left at home. He believed no surer bond of union could be found than the bond of union of a religious community, between those who were sent abroad and those who were left at home. These were the only right principles upon which to conduct any great system of colonization, and that was the object of the motion. It was to transfer at one and the same time the framework of a new society, complete in all its great principles, but to be filled up, as occasion might arise, in its details, but the society should be as certain in its principles, civil and religious, as it would be at home. Those who depreciated the value of Church establishments at home might, with proper consistency, deny the expediency of transferring them abroad; but those, and her Majesty's Ministers must be of the number, who contended for the support and expediency of a Church at home, ought to be the first persons to carry the blessings of such a system wherever they sent her Majesty's subjects. He did not intend to pursue the general subject. He was quite willing to admit, that the number expatriated under the present system might amount to nearly as much as under any system could be practicably expected. All he contended was, that they should be collected, if sent abroad, in a manner more immediately under the Government than at present, and that they should be comforted, and governed, and guarded by those institutions which they venerated and loved at home. With these observations he should vote for the motion of the hon. and learned Gentleman.

Mr. *Hume* was afraid that the hon. Baronet who spoke last had mistaken the object of the motion before the House, and had supposed that it was a motion for Church extension. He had spoken of the necessity of providing for the emigrants an Established Church, and no doubt the hon. Baronet would wish that a number of bishops should be sent out with the new colonists. The hon. Baronet appeared to forget that New England was founded by men who had actually run away from bishops. It was necessary that the hon. Baronet should read history again, when he would discover, what indeed all history had proved, that it was not the Church, but the protection which the power of

England gave that enabled colonies to prosper. To him it appeared that the speech of his hon. and learned Friend (Mr. C. Buller), and the able reply of the noble Lord (Lord Stanley), had completely exhausted the subject. His hon. and learned Friend had introduced the subject with great ability and moderation, but he thought that his hon. and learned Friend had terminated in a very lame manner. The noble Lord had given to the petition of the memorial from the City of London a most complete answer. He had told the memorialists that they had nothing to expect—that everything that could be done had been done. One observation of his hon. and learned Friend deserved particular notice. His hon. Friend stated, that since the disturbances in Canada emigration had been checked. It was quite true, and emigration would be checked in every colony where good government did not exist. The best way, therefore, for the Government of this country to forward emigration was to put an end to the abuses in colonial government; let the people have a share in the administration of their own affairs; allow them to live in the colonies with light taxation and all the advantages they could obtain. He was satisfied that many of the British colonies might have been doubled in extent had they been better governed. The bill of last year would, he thought, have a good effect in that respect if properly carried out, and he trusted, that at length they might hope for an end of the system that had so long prevailed, according to which not only every colonial minister, but every governor, was continually changing the system of the colonies. He thought the noble Lord was in a position to do a great deal of good, by pointing out to capitalists the advantages of removing with their capital and giving employment to labour. But there was one consideration which he wished to impress upon her Majesty's Government. His hon. and learned Friend had founded his motion on the great distress of the country—he had portrayed it in colours not deeper than belonged to it, and he had recommended emigration as one of several means of relief for it; but the noble Lord (Lord Stanley) had told them that, so far from its being the case that labour was wanted in all the colonies, in New Brunswick they were anxious to have no more emigration. From what he had heard, and from the accounts given in the local papers, he could tell tales of distress there almost equal to our own. Then, again, as to the United States, although numbers of English who had gone out thither, finding no employment, had spread to Texas and elsewhere, yet upwards of 10,000 had returned to this country. He wished, then, to impress upon the right hon. Baronet (Sir R. Peel) that any relief for the distress which could be gained from emigration must be but small. It was said that in the Australian colonies capital was much wanted, and that labour was wanted; but capital here was abundant, labour was abundant. Why should not the right hon. Baronet, by giving free-trade, give the means of employment for capital and labour here? Why should he send our capital and labour abroad? Why should he not open our ports, and enable us to exchange freely with foreign countries? With respect to the debate, this result of it he hoped would be impressed on the mind of every individual present, that it was indisputable, that be the distress relievable by what means it might, emigration was not the means by which it could be relieved to any great extent; still he hoped that no obstacle would be thrown in the way of emigration. He hoped that what the noble Lord had stated would be carefully borne in mind by the people—that the British emigrant, from the time he landed in Canada, was under the protection of the Government emigration agent. Again, he wished to impress this most important consideration on her Majesty's Government. The distress of the country he feared was not decreasing; capital was depreciating; the value of everything was lowering, and the greatness and power of this country must ere long in consequence suffer decline. Under these circumstances he wished to warn the right hon. Baronet not to persist too long in the course he had adopted. The right hon. Baronet was lying by to see what might result. Nothing had been done hitherto by the Government for the relief of the distress of the people. That distress was greater now than when the right hon. Baronet succeeded to office. The result of this debate would, he (Mr. Hume) hoped, satisfy the right hon. Baronet that if the distress were to be relieved at all we must look for relief nearer home than in the colonies. No more sure and certain means for effecting the object could be shown than removing those restrictions which fettered the industry of this country. Let the country have free-trade, and the necessity for emigration as a means of relief would be done away with. Every body, in his opinion, would shortly be satisfied that an expression that had fallen from the right hon. Vice-President of the Board of Control was correct, that for every bushel of corn imported in this country we should export an equivalent in the produce of the labour of our people. Let them have free-trade, and they would re-establish the greatness of this country, which, if not now on the decline, would, he feared, not long remain unimpaired if the present state of things were to continue.

Lord *F. Egerton* said, that as several hon. Members had come into the House since the hon. and learned Gentleman (Mr. C. Buller) sat down, it was his wish to mention, in answer to the remarks of the hon. Member who spoke last on a part of the speech of the hon. Baronet (Sir R. H. Inglis)—and one of the hon. Member's remarks when he spoke of the emigrants to New England flying from the bishops here, was certainly a rather happier one than was usual with him—that that part of the speech of the hon. Baronet was only carrying out the description of the hon. and learned Gentleman respecting the mode of colonization pursued by the Greeks and Phœnicians, who carried with them, when they colonized, all the institutions of the country that gave them birth, and established wherever they went miniature types of the mother country. The same was the case with the Spaniards, who, as the hon. Member observed, carried with them the dignitaries of their Church into every colony they had planted. The hon. Baronet had carried out the idea by expressing a hope that our colonization might be carried on upon the principle of the colonists taking with them all the institutions, civil and religious, of our own country. With respect to what had fallen from the hon. Baronet when he said the noble Lord (Lord Stanley) had confined himself in his speech to the subject of emigration, and had not entered upon the subject of colonization, he thought the reason was that the hon. and learned Gentleman who introduced the motion had not carried out that part of the subject in any degree of detail. However, to the plan of colonization recommended by the hon. Baronet there were doubtless numerous difficulties opposed, he had felt them himself, and he was satisfied that any hon. Member who tried would find the difficulty of framing a plan which should like those of Greece and old Spain, enable the colonists to carry with them all the civil and religious institutions of their mother country; but, nevertheless, he did hope that something might be done towards carrying out emigrants with our institutions. How it was to be done he would not attempt to say. While he was addressing the House he might be permitted to say, that it was the common observation of this town, that this Session had been deficient in interest; now, it might be so to those who took interest principally in stormy debates; but for his part he would say, that since he had had a seat in that House he had never felt more interest than in two subjects that had come before them this Session, namely, the debates on the Factory Bill and this debate, which had been so ably introduced by his hon. and learned Friend, if he would allow him to call him so. He was not in the House when the hon. and learned Gentleman's speech commenced, but he had listened to it for two hours, and he thought he could not say that he wished one sentence altered or one expression omitted. Perhaps if he had his own choice, he would have wished that his hon. and learned Friend had altogther left unnoticed a topic which he certainly handled lightly, and with singular good humour and justice—he meant the answer which had been made to his hon. Friend's project at the Drury-lane Theatre; for it might be suspected that the general admiration and general assent given to his speech by hon. Gentlemen on the Ministerial side of the House, was in some measure attributable to the approbation of that particular part of his speech. He thought both the House and the country was indebted to the hon. and learned Gentleman and the two noble Lords who had spoken, and he thought that from those speeches more enlightenment might be gained on this subject than from any other source; and though it might be supposed that emigration was not the sole or the greatest remedy for the present evils of our situation, yet it must be admitted that it was a consistent and consentaneous remedy, and not opposed to any other that might be adopted. Supposing he (Lord F. Egerton) conceded to the hon. Gentleman opposite, that the Corn-laws should be repealed, that the standing army should be utterly abolished, and that waste lands should be given to the poor; still he wanted to know how would this remedy of emigration impede the efficiency of the others? He could not conceive that in any way emigration could interfere with any other remedy for the distress. On these grounds, and because the debate was likely to furnish more information to the public on the subject of colonization than could be given by means of statistical tables or *Blue Books,* he considered that the country was deeply indebted to his hon. and learned Friend for the manner in which he had treated the subject.

Lord *John Russell* said, I entirely agree with the noble Lord who has just sat down, that the House owes an obligation to my hon. Friend for the admirable and temperate speech in which he has brought this subject before the House. I listened likewise with pleasure to my noble Friend, the Member for Sunderland (Viscount Howick), who expressed an opinion favourable to this motion. But when I consider the various propositions which were laid down in those two speeches in favour of this motion—though I think both of those speeches are of great value, and that some of the suggestions made in them are well worthy of consideration—yet, when I come to apply those propositions and suggestions to the motion which my hon. Friend concluded with, I do not think, that it would be advisable that the House should adopt so extensive a resolution. The suggestions of my hon. Friend relate to the mode in which land should be sold in the colonies; he touched also in some degree upon loans, but it did not appear, that he was an advocate for a large loan, by which to assist the object of emigration. Now, if these are the only suggestions which one who has studied this question very much, who has been constantly attending to its details, can make after great reflection, I ask the House whether it be adviseable that the House of Commons should adopt a resolution,—

> "That an humble address be presented to her Majesty, praying that she will take into her most gracious consideration the means by which extensive and systematic colonization may be most effectually rendered available for augmenting the resources of her Majesty's empire, giving additional employment to capital and labour, both in the United Kingdom and the colonies, and thereby bettering the condition of her people?"

If my hon. Friend had some large plan of systematic colonization, which was likely to have these effects—if the Government declared that they thought that there were means by which some large and extensive plan could be carried out, it might then be right for the House of Commons to adopt such a resolution; but in the present state of our information on this subject, we should only be holding out hopes of a remedy for the present distress of the country, which would be hardly justified by any measure suggested in the course of this debate. For my own part, I feel that I should not be justified, and particularly from my having held the situation which the noble Lord opposite now fills, in giving my vote in favour of such a resolution, unless I myself saw more clearly than at present the means by which those great benefits which are promised could be attained. Not that colonization and emigration are not extremely beneficial to the country—not that there are not great benefits flowing from them, both to this country and the colonies; but if those benefits proceed from a scheme already adopted—from a law already sanctioned by this House—from a law now in operation—if we see under that law, that 55,000 persons have gone in one year to the North American colonies—that New South Wales, in the course of ten years, has received more than 50,000 new inhabitants, and if we thus find, that very important measures have been adopted, with a view to colonization—should we not be cautious how we proceed to pass new measures, and how we have recourse to fresh legislation? The colonies have the means of increasing their own strength, of consuming the manufactures of this country, and of exporting their own produce, and thereby no doubt great benefits have accrued; but if we adopted this resolution, would it not be inferred, that we did not concur in those means which have been already taken, and that we had some great plan in contemplation, by which the colonies were to be more rapidly peopled, and existing distresses of the mother country were to be removed. If, upon the speeches of my hon. Friend, who moved this resolution, and of my noble Friend (Viscount Howick), I had not come to the conclusion, that this motion ought not to be adopted, I confess that the hon. Member for Montrose, and the hon. Baronet, the Member for Oxford, did not add much to the practical suggestions in favour of it. The hon. Baronet proposes, that we should send abroad whole communities together, with the Church establishment and the various institutions of this country. However suitable such a plan may have been to Greece, and the colonies of olden times, the suggestion is hardly one which can be adopted at this moment. Look at New South Wales and the various sects of different religious denominations into which it is divided. My right hon. Friend (Sir George Grey) drew up a scheme for encouraging religious instruction, which was adopted by Lord Glenelg, and which is now in force in New South Wales, but it provides equally for all religious sects, for Roman Catholics, Protestants, Dissenters, and all others, and thereby provides for the spiritual wants of the community in the only way suitable to a community of that kind. The hon. Member for Montrose held the proposition of the hon. Baronet to be altogether visionary, and with great pleasantry, said, that it was in order to fly from the Bishops, that the people went to New England; and the hon. Member added, that there was nothing more to do than to govern the colonies in such a way as that every one shall be satisfied. I will leave the House to judge whether this would not be more impracticable than the conveyance of a bishop, dean, and chapter to Australia. With respect to Canada, the hon. Member approves of what has latterly been done there, and he seems to think, that it has been productive of beneficial results. Those results have naturally sprung from the union of the two colonies, from the people having a voice in the assembly, and from the assembly having the means of influencing the choice of the Members of the Government. That is the natural consequence of the measures which have been taken, and will doubtless prove beneficial to the colony; but do not let the hon. Member think that every one is satisfied. For some time after the changes were made, a vast number of newspapers, of different titles, came to me, each more abusive than the rest of the Executive Council: so you may please the strongest party, you may please the popular party, but you cannot so govern a colony that every one shall be satisfied. The noble Lord opposite has stated so clearly what has been done, and what is doing in respect of emigration, that it would be useless for me to detain the House by going again into a subject which he has already explained. I hope the House will not infer, from the speech of the noble Lord, that which my noble Friend (Viscount Howick) seemed to think was the natural inference, namely, that what has been done is, in the opinion of the noble Lord, so complete, that it does not require any alteration or improvement from time to time. For my own part, with respect to the question of the sale of lands by auction, as compared with its sale at one uniform price, it seemed to me, from the great weight of the authority on the subject, that on the whole it was best to change the system, and to revert to the system of auction; but I cannot help thinking that there are very great disadvantages attending that system. Representations have been made to me that persons who have gone out with the expectation of obtaining land at certain prices, have been forestalled by speculators in the colonies, who have bought up all the lots for the purpose of profit. But I do hope that the noble Lord will not lose sight of one part of this question which I think is of the greatest importance—I mean the diffusion through the country of the utmost extent of information possible, so that the people may be thoroughly conversant with all those facts which it is desirable they should know—I mean such facts as should be in the possession of colonists and emigrants—such information as is contained in one of those books presented to the House, wherein the superintendent gives the prices of articles for sale in the colonies, and the rates of wages to be obtained. This is done, too, with great success in Sidney, where an officer of police keeps a book, from which he is able to furnish information to those who go out professing different trades and following various occupations. I trust that the noble Lord will watch over this subject as one on which great improvements may be from time to time introduced—that he will not consider that every object has been attained by the passing of the act of the last Session of Parliament, but that if any improvement can be introduced, he will himself propose it. I consider this subject as of vast importance; but after the speech of the noble Lord, I think that the House of Commons cannot do better, for the present, than leave this matter in the hands of the executive Government. My hon. Friends the Members for Montrose and Liskeard have spoken of the distress of the country, and of colonization as a means of relieving that distress. I am afraid that, with respect to the shipping interests of London especially, those distresses are rather aggravated than diminished, but I hope that those accounts which we have heard, of some appearance of improvement and animation in the manufacturing districts, will turn out to be true, and that there is not such an extraordinary amount of distress in those districts as has hitherto existed. For my part, believing as I do that there is still very great distress, and believing that you will do much for the relief of that distress by adopting better laws of economy—by adopting better laws with respect to the importation of corn and other commodities, believing that much may be done in this way, I am far from thinking that the distresses of the country should raise anything like that despondency which some people feel; and relying on the energies of this great country, I feel that we shall yet surmount the difficulties which we now labour under, and I look with hope to the future.

Sir *Howard Douglas* said, finding that very extravagant expectations are entertained, that a gigantic system of colonization may be adopted to such an extent as to prove an immediate remedy for the very general distress which prevails in this country, by abstracting large masses of unemployed labour, and transplanting it to the colonies, where, as is supposed, it may be absorbed into masses of employed labour; and knowing on my own experience, that such an extensive scheme, suddenly carried out, would prove fallacious and abortive, I came down, prepared to follow the hon. Member, the mover of this resolution, to state my views on the progress and prospects of colonization and the extent to which this might be safely prosecuted. But after the very able and comprehensive exposition made by the noble Lord the Secretary of State for the Colonies, I shall lay aside this mass of documents with which I was prepared to enter fully into this question, and at this late hour of the night, I shall confine myself to a few general observations. I concur generally in the opinion stated by the hon. Gentleman the mover of this resolution, as to the temporary causes of the prevailing distress in this country; but not so, as to the main cause. I believe that the distress in which the working classes of this country are involved, is principally occasioned by the active competition of foreign nations in manufacturing industry, by which the value of British labour has been greatly depressed, in relation to the value of foreign labour, and the condition of the labouring classes of this country thereby greatly deteriorated in the scale of comfort. I agree with the hon. Mover in this, that the field for the consumption of British goods, has become restricted; but I assert, that the restriction is not owing to us, but to foreign nations which persist in refusing to receive our productions, although we do receive, far more freely, theirs. Hon. Gentlemen opposite, still contend that foreign nations would receive our commodities freely, if we did so with respect to theirs. But, as it is of importance that this vain expectation should be completely set at rest, I am prepared here by official documents and proofs, this once and for all, to establish the contrary. I have, upon former occasions, asserted that the foreign nations to which I advert, will neither relax nor abolish their systems, but on the contrary, that their tariffs are becoming more and more stringent. I might from these, were it not at so late an hour, explain fully the French commercial policy, and most particularly that extraordinary system of commercial legislation, a sort of commercial Parliament, constituted throughout France, and centralised in Paris, to which all alterations in commercial policy are submitted, before they are proposed to the legislative chambers, and which, accounting for much that we see, forms an influence too strong for any Government, or for the legislative chambers to contend with, in favour of free-trade. I might, with these materials, show likewise the stringency of the United States' system, and that no abandonment or material relaxation in our favour will be made there. I admit, that they may abate something of the stringency of their late Tariff; but that will be to make it more, and not less efficient in favour of their own manufacturing system, because excessive duties bring smuggling into play. I will here just briefly mention an insidious principle of protection in the United States' Tariff, which those hon. Gentlemen opposite, who ought to be very conversant with it, do not appear to have discovered. It is this, that exclusive of the very high *ad valorem* duties levied on the importation of our manufactures, there is an arbitrary rating of the value by which the real duty is enormously enhanced. With respect to our cottons, for instance, several qualities and descriptions of different real values are classed together; but the duty is paid upon the whole, as if they were all of the value of the highest, and in this way our low priced articles have not the benefit of their low price, in the application of the duty, and in fact, I believe in some cases, pay 100 or 150 per cent on the value. I might show the like of other rival nations. Thus the wall which the hon. Member for Sheffield spoke of the other night, as one that we were building against foreign nations, is, on the contrary, a circumvallation which foreign nations are building against us. We have long been endeavouring by indications and advances on our part, to lower it; but in proportion as we do this, they back it up, and raise it. So that, this assertion with respect to the wall, and the assertion of the hon. Member for Wolverhampton, and other hon. Gentlemen opposite upon this subject, are quite the reverse of being correct. Foreign competition, and foreign restriction, are therefore the causes of those limitations, in wonted fields, for the encouragement of British industry; these are the main causes of the existing distress, and we must seek compensation for this, elsewhere. I congratulate the hon. Member on the very just and magnificent exposition which he has given of the vast value and importance of the colonial trade, and consequently of the colonial system, in connection with his motion for extensive colonization. Nothing can be more convincing than the very able statement which he has made, taking colony by colony, and class by class, of the great value of our colonial, compared with our foreign trade, and of the immensely greater consumption of British goods in British colonies, than in foreign countries. This is indeed a powerful appeal in favour of the colonial system, which I have frequently endeavoured to advocate. But in any attempt to multiply or extend these advantages by colonization, the great object should be to take especial care that no more labour be abstracted from the unemployed mass at home, than can be immediately and permanently absorbed into the masses of employed labour in the colonies. If this should be overdone, great disappointment and suffering must be inflicted upon all those poor or distressed persons, who may have been sent out of this country without regard to the actual state of industry, in the colony to which they had proceeded. Suppose this House were to adopt, forthwith, a system of colonization on a scale so extensive as to relieve the distress of the labouring population by removing so large a portion of it, as might do something like restore the balance between the demand for, and supply of labour, what guarantee will hon. Gentlemen opposite give, that the poor people so sent out of the country would find permanent employment in the colonies, and so better their condition? The only guarantee we could give, is, steadiness in our commercial policy, and in our commercial regulations, by which only the industry of the people in their new spheres, can be so protected, and kept active, as to afford them permanent employment. I beg then to ask the hon. Member, the mover of this resolution, if he is not an advocate for free-trade; and if so, whether his free-trade principles, if carried out, would tend to ensure to the new colonists permanent employment, prosperity and an improved condition? I ask all the hon. Members opposite whether the promised benefits of colonization are consistent with their principles. Why, if the Corn-laws were totally and entirely repealed, the trade of Canada with this country in agricultural produce and provisions, notwithstanding the enlightened policy of the right hon. Baronet to treat the Canadas as integral parts of the British empire, would be completely destroyed. Our supplies would be obtained from countries nearer home; or any that might come from America would be sent from the sea-ports of the United States. Then, with respect to timber, if this article were bought cheap without regard to the country of origin growth or production, or to the nationality of the vessels that import it, what would become of the British North American timber and shipping trade? Why the adoption of the principles of free-trade would effectually destroy those two staple branches of industry, in which only numerous emigrants to those colonies could find employment; and would render useless those boundless spaces as receptacles for our encreasing and surplus population, and which contribute moreover so much to the wealth and power of the British empire. Then with respect to the means of providing for the expence of sending out emigrants to and locating them in the colonies. I speak particularly of British North

America. There is a very general opinion entertained, that the proceeds of the sale of Crown lands afford Government the means of promoting this. The noble Lord, the Secretary of State for the Colonies, has corrected this erroneous impression, he having stated that the Crown has no land to sell there. The whole of it has been alienated; but I must explain, with the permission of the House, the history of this economy, and I request the attention of the hon. Member for Montrose to it, because he has had a great share in bringing this difficulty about. And what I am to say will prove that pecuniary economy may very often be pushed so far in national policy as to become political prodigality. In consequence of the indisposition of this House to provide for the charges of the colonial civil lists, these were, many years ago, withdrawn from the Parliamentary estimates. This, with respect to New Brunswick, was announced to me in 1825, and I was directed to call upon the local Legislature to make that provision. I declined to do this, for strong and, as I thought, sufficient reasons. I think a person is not fit for such a situation as I then held, who hesitates to act thus, under a strong sense of the objections that may appear to him to be valid upon the spot, and with the most ample local knowledge and experience, I represented that a civil list could not be called for, without carrying out the terms of the arrangement, viz.—a surrender of the hereditary properties and revenues of the Crown to the Legislature, in return for the civil list: that thus, all the Crown, or its representative, had to depend upon, would be alienated for a very trifling sum; that the colonial governors and governments would become dependent on the local legislatures, and the settlement of the country likewise; that the control and responsibility over the governor, would be transferred from Downing-street and Parliament, to the colonial legislatures, and the Queen's representative thus become dependant upon them. My objections were admitted; the civil list for my province was restored, throughout my administration, to the Parliamentary estimate: but long since has this sad measure been generally carried out. I predicted the consequences; I forbear at present to pursue them. It is sufficient to say that not one inch of land has the Crown to dispose of in that group of colonies. And the funds derived from the sale of lands in Australia, are, I believe, entirely exhausted. From what sources then, are to come funds, to defray the expense of sending out vast numbers of emigrants, either to British North America or to Australia, according to an extensive system of colonization? I can answer for the evils of the early systems of emigration, or rather of the absence of all system, as shown by the noble Lord the Secretary of the Colonies. I was in America at the time the schemes of 1825 and 1826 were undertaken, as a measure of relief to this country, and by which vast numbers of destitute, squalid emigrants, were landed upon our quays, in the condition which that noble Lord has depicted. I then established those emigrant and agricultural societies, saving-banks, and adopted other arrangements necessary for the better regulation and encouragement of emigration. I beg here to advert to the question of tenure, of which the noble Lord, the Member for Sunderland, has spoken. In order to defray the charges of the passage and location of emigrants, they were made to enter into engagements to repay, by the proceeds of their labour, the expense of transport; and with respect to land, to engage to pay a quit rent to the Crown, until they should pay the price put upon the land, and the expense of the grant. I objected to this as a dangerous tenure. 1st. That emigrants so sent out, would migrate into the United States, to avoid payment of passage money; and that all who might settle under these conditions, as renters to the Crown, would never pay, but on processes at the suit of the Crown. That the principle of making the governed, the debtor of the Government, was obviously, anywhere objectionable, reversing the principle which, as in the funding system, by making the governed, the creditors of the Government, gives each, by so much, an interest in the stability of the Government. These considerations put an end to that scheme of tenure. But I believe there is something like it still existing. I must now beg leave to make a few observations respecting succours, and aids, and comforts, and consolations, that should be provided, not only to attend an extended system of colonization, but even in the existing settlements, where these are greatly deficient, as appear by the papers I hold in my hand. Spiritual aid, religious instruction, and that organization of the Church, which is imperfect without episcopal government and rule, demand succour. And here I advert, with pain and regret, to that pernicious, and most unholy act of a former Government, which, some years ago, withdrew from the Society for the Propagation of the Gospel, the Parliamentary grant, by which that society was enabled to provide, to a considerable extent, for the Church in the colonies; but which it is not now in its power to do. The venerable society is disabled from keeping faith, as they declare in a late appeal, with missionaries already sent out, far less to provide for fresh endowments. Nothing can exceed the devoted zeal, efficiency, and important services rendered by the missionaries that have been so sent out to the colonies. I could mention many instances of this, and of the difficulties, the privations, and even of the dangers to which they are frequently exposed, and encounter, in the discharge of their holy duties. I wish the House would permit me to state one fact illustrative of this. Visiting an inland district, bordering on an extensive lake, and having attended divine worship in a settlement on its shore, I crossed in the afternoon to another settlement, taking with me the missionary who had officiated. I learned from him, that his district comprehended all the settlements around the lake, and on the rivers falling into it. That he served four churches; did the parochial duties and attended to the schools, at four distant parts of that wide space; doing these duties in turn, so that each church and settlement was only served every fourth Sunday. The missionary had provided himself a boat for these duties; and the settlers manned her gratuitously, to carry him to the different points. Finding that he had for many years been charged with these duties, I asked whether he had not experienced great inconvenience and difficulty in crossing the lake in stormy seasons, and in winter? He replied that he had; that it was very perilous to him, and prejudicial to the settlement, that there should not be a missionary on each side of the lake; but that the society had not been able to comply with a requisition that had been made for an additional missionary in that quarter. That on one occasion, having urged the settlers, who formed his crew, beyond their discretion, to take him across the lake, the boat was upset in a squall; the missionary succeeded in reaching the boat, and, clinging to her for about ten hours, drifted to the lea side of the lake, and so was most providentially preserved. The crew were all drowned! I may truly say, of my own knowledge, that but for the instrumentality of this society, vast numbers of settlers, members of the Church of England, must pass from the cradle to the grave, without the blessings and the benefits, and the consolations, of the religion they profess, according to the forms and faith of the national Church. With respect to the endowment of the bishopric of New Brunswick, I advert with great satisfaction to the intention announced by the noble Lord the Member for London, when Secretary of State for the Colonies, to advise her Majesty to found a bishopric in the province of New Brunswick, on the grounds, that the Roman Catholic Church is fully organised in that province, in this respect, and so is the Church of Scotland; and that it does not seem appropriate that Members of the Church of England, in considerable numbers, should either be under the superintendence of a bishop residing at a great distance, or be left entirely to voluntary contribution, in this essential matter. For these reasons admirably expressed, the noble Lord proposed to advise her Majesty to erect New Brunswick into a separate diocese, with a grant of 600*l.* a-year in aid of other funds, and without which grant it was made evident to the noble Lord that this bishopric could not be founded. This intention, I hope and trust will yet be carried out. I refer to it with great satisfaction, and I can assure the noble Lord, the Member for the City of London, that the intentions which he thus announced has ensured to his Lordship the grateful acknowledgments of that portion of British North America, to which this measure relates. In other respects, likewise, there is a great want of spiritual aid in British North America, occasioned by want of funds to enable the Society for the propagation of the Gospel to provide for missionaries; and I can assure the noble Lord, the Secretary of State for the Colonies, that until these most necessary and essential requisites be supplied for religious worship, and for religious and moral education in connection with the national Church, which are greatly wanting in many of the settled districts of British North America, and which ought to be considered, too, an essential provision that should attend any system of colonization; until these be abundantly carried out—colonization will be discouraged, and the moral and religious improvement of the settlers by the Church be abandoned. I hold in my hand answers, published officially under the authority of the colonial office in reply to the question, "Is there a clergyman in each of the settled districts?" which answers state that many of the settled districts throughout the whole of British North America, are destitute of clergymen of the Church of England. And it likewise appears, by answers, given to questions which persons intending to emigrate, are most likely to put, next to that which relates to their spiritual well-being, that there is great want of hospitals, infirmaries, benefit societies, and funds for the relief of the destitute. New Brunswick may boast, I believe, of more of these institutions, than any of the other provinces, in proportion to her population. In Prince Edward's Island, there are no such institutions. In both Canadas there are several, but more are wanted; and for any extended system of colonization, must be greatly enlarged. And this leads me to recommend, most urgently, that there is probably nothing more important than to provide medical and surgical aid and dispensaries for medicine, in new settled districts at the public expense, or from some such fund or other. Hon. Members who have never visited new settlements, or witnessed the uncommon difficulties and dangers, and accidents to which the first settler, the pioneer of cultivation, is exposed, cannot conceive to what sufferings they are exposed in these undertakings, from diseases incidental to labour and exposure, in the virgin forest; to accidents in felling timber, and in, at first, the unskilled use of the axe. I could mention many terrible instances of this, which I have witnessed, when no medical, surgical, or medicinal aid were within reach. Nothing then is more important, to the physical well-being of the emigrants, as that medical and surgical aid should be provided, for the first periods of a settlement, at the public charge. The professional persons so sent out, might, when the settlement became organised, and prosperous, become practitioners at the charge of the settlers by degrees, and the first allowances, provided by some public fund, might gradually terminate. We have societies for providing charities, and succours of every description at home, and in foreign parts. I know none so much needed, as a society for providing medical and surgical aid for first settlers in colonies. How many half-pay military and naval surgeons might not thus be employed. I mention all these circumstances, and accessaries, not to discourage, but to animate and provide for a good system of colonization, and I state the difficulties that the settler may have to encounter, and the means, circumstances, and conditions, and terms on which the success of an extensive system of colonization depends, that we may be careful. I shall say no more on this occasion, and at this late hour, than that I shall vote against the amendment proposed by the hon. Member for Rochdale; and, though I admire and approve very much of what the hon. Mover has stated, yet I concur generally in what has been so ably stated by the noble Lord, the Secretary of State for the Colonies.

Mr. *S. Wortley* said, that although he agreed in much that was said by the hon. and learned Member for Liskeard as to the advantages of emigration, still he thought that even for the promotion of that object the hon. Member would do well to adopt the suggestion of the noble Lord, the Member for the City of London, and leave the matter to the Government. He did not agree in all the objections that had been urged by his noble Friend, the Secretary for the Colonies. The hon. and learned Member suggested that funds for emigration might be provided by means of an advance of Exchequer-bills, on the guarantee of the sale of lands, and such an advance of Exchequer-bills for great public undertakings was made every year, and it was not long since that an advance of this kind was made for the carrying on public works in one of our North American colonies; he therefore did not think that the proposition was quite so inadmissible as had been stated by his noble Friend. He thought, that if this advance were made with caution, and within proper bounds, a very judicious encouragement might be given to emigration, and in such a way as to prove highly beneficial to the colonies. There were some curious details as to the effects of emigration on the poor-rates, in the last report of the Poor-law commissioners. In the appendix to this report, there was a statement of Mr. Tufnell, the assistant Poor-law commissioner, on this subject. That gentleman reported as to the results of emigration in Sussex, and showed, in one instance, the remarkable effect produced on the rates in a union from which there had been extensive emigration. He took the union of Rye, in Sussex, and he stated that from that union there had been very large emigration of the pauper population in the years 1836, 1837, and 1838. It might naturally be supposed, that the removal of so large a proportion of the inhabitants would have diminished the population, or at any rate have stopped the increase. This was a part of the country to which persons were not likely to move from other districts, but the poor-rates had been so little affected by this emigration that they had actually gone on increasing every year since its commencement. It was a remarkable circumstance that the effect of this emigration was to accelerate the increase of population; the effect, therefore, of the emigration on the poor-rates would not always be to reduce them. The authorities in the colonies were by no means satisfied that when the Government undertook to send out emigrants they selected those classes which would give the greatest assistance, and be of the greatest advantage to the colonies. Even in New South Wales, where there was the utmost desire to promote education, and where there was a great demand for labour, there was a suspicion that the main object of the Government was to relieve this country of paupers, and this excited a great distrust of the whole process. Again, there was extreme uncertainty as to the effect of the supply of labour, for at a time of the greatest distress, the largest emigration of labourers took place. They arrived out when the colony was least prosperous, and when there was the least chance of the labourers obtaining employment. He would sit down with expressing his general concurrence in the views which his noble Friend (Lord Stanley) had expressed on the subject.

Mr. *C. Buller*, in rising to reply, had to return his thanks to almost every Member who had addressed the House, whether his conclusion was for or against his motion, for the candid consideration given to the vote which the House was about to give. He hoped, that it would not be thought disrespectful to them if he did not notice the suggestions which had fallen from different Members, and confined himself to the speech of the noble Lord opposite. He was sorry to find, that it was the determination of the Government to oppose this motion; but he was, nevertheless, convinced that he had taken the right course. In his speech to the House, on moving this resolution, he had said, that he approved of the principle adopted by the present Government, but that it was imperfect, and, being imperfect, it was incapable of attaining the results which it would otherwise achieve. He had stated, that there was a lamentable discrepancy between these results and those which were obtained in the United States. He had said, that this country did not derive the full benefit of which the principles were capable; and this deficiency arose from defects in the details of the measures founded on those principles. He had mentioned many defects on which there were differences of opinion. He did not call upon the House to decide upon them; but there being these doubts, he had argued that the Government ought to take the matter into their full consideration, to clear up the doubts on the public mind, and either to extend the operation of the remedy, or to tell the country, after full investigation, what prevented the remedy from being effectual. He thought, that the noble Lord had not made out any case against inquiry. The noble Lord's chief objection was, that it would raise false hopes in the public mind. Now, what he had proposed was of slow operation. He did not propose emigration as the only remedy, but he proposed it as a remedy, and he had hoped that it would be extended. The course taken by the Government could not prevent illusory hopes, if the country were inclined to entertain them, and he thought that the country would come to a proper decision if the noble Lord would grant the inquiry. He had not moved for a committee, but the mode he had distinctly pointed out was an inquiry by commissioners — persons of weight with the country — who should examine the subject, and give a report which would guide public opinion. He was pleased to find an acknowledgment on all sides of the House that this was a subject on which information was wanted, and he still hoped, that although the Government refused this motion, they would satisfy the public by prosecuting an inquiry; and he trusted, that the conduct of the noble Lord would be to give every facility to emigration, instead of throwing impediments in its way. The hon. Gentleman concluded with stating, that it was contrary to any object he had in view to divide the House, after what had taken place. As far as he was concerned, then, he begged to withdraw the motion.

Mr. *S. Crawford* said, that as the hon. Gentleman had withdrawn his motion, he, of course, should withdraw his Amendment.

Amendment and motion withdrawn.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,

Friday, April 7, 1843.

MINUTES.] NEW MEMBERS. Viscount O'Neill took the Oaths.

BILLS. *Public.*—3$^{a.}$ and passed: Slave Trade Abolition (Bolivia); Slave Trade Abolition (Uruguay); Slave Trade Suppression (Texas); Pound-Breach and Rescue.

Private.—1$^{a.}$ Northern and Eastern Railway; Willliam Watson's Divorce.

2$^{a.}$ Ipswich Docks.

Reported.—Bolton Gas; Grafton Inclosure.

3$^{a.}$ and passed: Carmarthen Market; Cockermouth Roads; Oxford Railway; Lancaster Lunatic Asylum; Chepstow Water; Sheffield, Ashton-under-Lyne, and Manchester Railway; Birkenhead Improvement.

PETITIONS PRESENTED. By the Bishop of Winchester, from North and South East Droxford, against the Union of the Sees of St. Asaph and Bangor.—By Lord Cottenham, and Lord Reddesdale, from Carmarthen, Llandovery, Leek, Hereford, London, Westminster, and Southwark, for the Repeal of the Bankruptcy Law Amendment Act.—From Several Unions for the Repeal of the Births &c., Registration Act.—From Milnathort, for the Repeal of all Corn and Provision Laws.—From Kirkcudbright, for the better Payment of Schoolmasters in Scotland.

INCOME-TAX.] The Duke of *Wellington* had promised the noble and learned Lord (Lord Brougham) to make inquiry as to the amount of property tax paid. He had since made inquiry, and had ascertained that the produce received during the past year, was 2,456,288*l.*; that 313,344*l.* had been paid in the quarter ending 10th October last, 257,212*l.* in the quarter ending 5th January, and the remainder in the quarter just concluded. The collection had not been made in many places, the appeals in some cases not yet concluded, and many payments had been made for the whole year, so that it was impossible now to give an estimate of the whole amount the tax would produce.

TREATY OF WASHINGTON—THANKS TO LORD ASHBURTON.] Lord *Brougham* said,* my Lords, when I consider the very great importance of the question, in all its relations, both foreign and domestic, which I have undertaken to bring before the House this evening, and when I reflect on the load of responsibility which must appear to rest on me in performing, or attempting to perform, this undertaking, I certainly do not deny, that though I have had a very large and long experience in addressing various public assemblies, in dealing with subjects of various kinds and under every aspect of public affairs, I feel considerable uneasiness and even anxiety at the present moment. It may be thought to savour of presumption in an individual, apart from the Government, voluntarily to grapple with a question of such mighty interest; nevertheless there are some considerations which, while they have urged me to the enterprise, seem to have a force sufficient to support me in proceeding with it. It is not now for the first time, my Lords, that I have had to deal with most important matters, concerning the relations of this country and the United States. None of your Lordships have had for so long a period as I have had, the fortune to take an active part in endeavouring to allay animosities, and to restore peaceful and amicable relations between this country and America. Not only in 1808, when the ill-devised orders in Council were issued; but in 1812, when I was aided by my noble Friend, whose negotiation forms the object of the present motion, and whose conduct upon that occasion pointed him out prominently as the proper person to proceed to America, for the purpose of putting an end to all matters in difference, and of restoring those feelings of friendship and mutual confidence that are of such vital importance to the welfare of the two countries—in 1812 I grappled for the second time with this question, and I had, with his powerful aid, the good fortune to triumph over that vicious policy which fettered the freedom of commercial dealings, embittered all intercourse with our American kinsmen, and sapped the whole commercial prosperity of the empire. But what sustains and repairs me in performing this arduous duty is the absolute confidence I feel in the impregnable position which I now occupy. I rely on its strength upon all points; not merely those on which no attempt has ever been made to assail it, but I should even say still more with reference to those on which attacks have been made, and been triumphantly repulsed. I shall now at once proceed to the subject-matter of this "great argument;" and if I shall succeed in "rising to the height of it," I feel confident that my labour and my anxiety will be rewarded by being the feeble, the humble instrument, of rendering a service to the cause of truth, of peace, and of my country. When either the policy of a state, or the conduct of a family or of an individual, is canvassed, in any particular way, with reference to blame or praise, the question usually is, what has been gained, or restored, or lost, or secured, in that particular transaction? But it is, I should say, first of all absolutely necessary that we form to ourselves a clear idea of what the object was which the parties had in view—what was the point of pursuit—what the matter sought to be obtained—before we can safely come to any decision. If we take not this course, we shall little know how to mete out the share of praise or of blame that the parties concerned ought to receive. I shall therefore, at once consider what the object of our Government was in originating this great negotiation, and what specific purpose they had in view when they sent a Minister to America. Now, I hold this to be the clear and undeniable truth—that the one great object of pursuit, the one great purpose sought to be attained, that purpose, in comparison with which every other point is a mere grain of dust in the balance, was the restoration of friendly feeling and amicable intercourse between England and America. If we only cast our eyes back for half a century, if we only look to the beginning of the independence of the United States, we shall at once perceive of what paramount importance as well as difficulty, this reconcilement was to both countries. So soon as the disatrous struggle which stripped England of her finest colonies was brought to a close, it is in vain to deny that on both sides of the Atlantic much ill-feeling naturally prevailed. Those feelings were kept rankling in the bosoms of each party to the contest, and circumstances occurred to render them still more acute. The great loss which England had sustained made the recollections bitter on this side of the Atlantic, and the indignities to which our opponents were exposed by the cast and complexion of our prejudices, made the feeling equally sore on the other side, notwithstanding the signal triumph which had there been won. To this I may add, for it is now matter of history, and can give offence to no one, that there was something in the establishment, for the first time in modern ages, of a great democratic government, of a purely republican constitution, which had an inevitable tendency to beget soreness of feeling on our side of the water. We, with all our monarchical principles—for I will not call them prejudices—we, with all our aristocratic feelings, for I will not call them superstitions—we, with all our natural abhorrence of the levelling system and a democratic form of government, were impatient of beholding a great and rising empire, founded by monarchical England's sons, a republic—a level republic—in the veins of whose members flowed the blood of aristocratic England. We saw those republican principles rooted and planted deep in the hearts and feelings of 3,000,000 of Englishmen—we saw them ruling, and conquering, and flourishing, without a king to govern, without a prelate to bless, without a noble to adorn them—we saw all this effected at the point of the sword after a series of defeat, disaster, and disgrace to the British arms. No wonder, then, that all strong feelings and deeply-rooted prejudices were called into fierce action so often as the successes of America were remembered—so often as the name of the new republic was pronounced. Nor were words wanting to express those exasperated feelings. A tone was assumed, sometimes of bitterness, sometimes of affected superiority, far more offensive than the utmost bitterness—sometimes of aristocratic exultation over the humbler members of the American community—which, though it might be in some degree excused by the violence offered—and somewhat rudely offered—to long-cherished prejudices, and was not the less calculated to wound and exasperate American bosoms, because it was diametrically opposed to those strong and powerful sentiments which they themselves cherished. They were as deeply impressed with the necessity of upholding the principle of plain and rustic equality as we were with the duty of maintaining the Corinthian capital of aristocratic rule. They upheld the massive but simple columns of their homely structure with as much fondness as we showed for our own many beautiful pillars. Events were not wanting to blow the coal of discord between the two countries. Whilst various matters were tending to maintain exasperation between the two countries, a great event shook all Europe, and indeed all the world to its base. The French Revolution added, on the part of England, new fuel to the aristocratic and monarchical feeling which was so dearly cherished in this country, imparting at the same time new exultation and additional triumph to republican America. When things were in this state—when the feelings on either side were highly exacerbated—the French intriguer, the Jacobin leveller, the propagandist of republic opinions and principles, stepped in, and increased the discord. France, not satisfied with the dead level of American institutions — not content with the pure and absolute democracy of republican America—could not be grateful unless America, republican like herself, democratic like herself, should raise her arm against all the institutions of the old world, partake of that anarchy which prevailed within herself, and join in the war to which it had given birth. French intrigue laboured hard to introduce that confusion into America which had already laid waste all France, and which had kindled the war with England. Hence, for the last three years of the presidentship of that great man who then governed America, the greatest man, I will venture to say, that as a ruler, either the old or the new world has produced, he endeavoured to hold the balance evenly between the factions in his country, and to maintain the republican principle untainted by that anarchy which mischievous or misguided men would introduce into the State founded by his sword, guided by his wisdom, and sustained by his patriotism. He successfully resisted the intrigues of France, and succeeded in preserving the great blessing of peace which he had achieved, when he nobly conquered the independence of his native land. During those three momentous years we were fated to see one perpetual contention between England and America, in the course of which, at every turn of the negotiation, war was ready to burst forth. Next came the neutral questions; then the short peace or truce with France—the peace of Amiens. Then followed, in rapid succession, the new neutral controversy, the orders in Council, and the question of impressment, until we were ultimately involved in actual war. So that since the peace of Versailles, which acknowledged the independence of the United States, from those feelings and prejudices which I have described, owing to the events at which I have shortly glanced, and in consequence of the practices of French intriguers, it had so happened that points of difference having revived the half-forgotten hostilities of 1812 and 1813, we have been in a state of perpetual soreness, irritation, and heart-burning. The interval was filled up by mutual injuries, mutual offences, mutual recriminations; suspicions and jealousies were ready, each moment, to break out on either side; mutual chagrin and vexation at each other's success—mutual joy and triumph at each other's disasters; then direct and downright animosities; then short-lived truce; then war—actual war; and at last peace—the name of peace rather than the reality or the substance of that prime, that inestimable blessing. One is reminded of the picture given in the Roman comedy of the relations between parties who should naturally know no coldness, no quarrels.

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* From a corrected report.

> Injuriæ,
> Suspiciones, inimicitiæ, induciæ,
> Bellum, pax rursum.

But it was the aspect rather than the real, fair form of peace. It is in vain to doubt what it is impossible to deny, that after peace was in name restored, matters continued almost entirely on the same footing as before; so that, upon the accession to office of my noble Friends opposite—I allude particularly to my noble Friend the Secretary for Foreign Affairs—they really may be said to have found matters with respect to England and the United States in anything but a satisfactory position, in everything but a warlike position, with some half dozen of the more difficult questions to settle—some three or four points upon which both nations had all but vowed never to listen to reason, and never to come to any understanding—and some other points, the settlement of which had often been attempted, and the attempt had as often failed. One question, at least, baffled all such attempts; a question which, with regard to the importance of the interests involved, with respect to the strong feeling entertained on the subject on both sides of the water, and, as to the difficulties which surrounded it, matched, I will venture to say, any other point of discussion on which negotiators ever had to treat, or which, when all attempts at treaty have failed, has brought on the last resort—the resort to the sword. Such, my Lords, was the state of things—such was the aspect of our foreign affairs as regarded America—such were the feelings and such the difficulties which prevailed, when my noble Friend undertook the task—as important as it was hard—of effecting a complete adjustment of all these difficulties, and of reconciling the two nations once more. I have said that matters were all but in a hostile position; and the state of the case was this:—A train was laid in America, in the feelings of the people upon the boundary question; on the subject of Canadian interference with respect to the cases of the *Caroline* and the *Creole*; above all, upon the question of the slave-trade and the right of search; feelings of a similar kind prevailed in this country, though on the opposite side of the question, doubtless as strong and as universal. It was thus rendered inevitably certain that, if any mischance had happened to peace in Europe,—if any war, or anything like war had broken out on this side the Atlantic,—one spark of that fire which would then have broken out in the old world, borne across the ocean, would have kindled the train thus ready laid to explode, extended the flame to America, and involved the new world as well as the old in endless war. And if I am asked whether there was any likelihood of that spark being flung off, I must refer—though I am loth to broach any matters but those immediately under discussion — to a man existing in France, who may be said to have been, and still to be, the impersonation of hostile feeling, the promoter of discord between America and England. I name him because I wish to attach undivided blame to the quarter within which, as I hope, the guilt is, without any accomplice, confined. I name General Cass as the person, whose manœuvres, whose discreditable conduct, whose breach of duty to his own Government—more flagrant than his breach of duty to humanity, and as a descendant of free English parents—whose conduct in these particulars it is wholly impossible either to pass over or to palliate. Even after the adjustment of the differences between the two countries, after an end had, all but miraculously, been put to the difficulties which beset us—that negotiator, that envoy sent to preserve peace—that man presiding at Paris over the pacific relations between France and America—that man sent to maintain general good will and amity—that minister of peace, acting as if some friend had whispered to him, and inspired him, *Disjice compositam pacem, sere crimina belli*—did his very best to destroy it, by the circulation of arguments upon questions of international law, of even the rudiments of which he had no more conception than he had of the languages spoken in the moon—he having, to all appearance, no more capacity of reasoning upon any question than he had of understanding legal points and legal differences—by stepping out of his own province, and mixing himself up with French affairs—with the negotiations between France and England—which he had no more to do with than he had with treaties between two powers in the Peninsula of India—and by officiously intruding upon the French Government his impertinent protest against the treaty between England and France, in order, if he could, to excite war between the two countries. That was his object; and I speak with the greater confidence, because I have now before me the severe reprimand given him by his own principal, Mr. Webster, for his conduct during that negotiation, for his interference with matters which in nowise concerned him, and for his gratuitously thrusting his remonstrances upon his own Government, who had sent him out, whose servant he was, whose orders he was bound by his allegiance to obey, whose proceedings he had no shadow of vocation even to criticize, much less to blame. And for what did he do this? For the sake of furthering his electioneering interests in America—from a desire for the attainment of that situation, the possession of which he envied Mr. Tyler—the situation of first magistrate of that great republic—he pandered to the mob-feeling of the lowest rabble in the United States. It is a circumstance which I contemplate with a pure and unmingled satisfaction, that the most respectable portion of the American community is favourable to the maintenance of peace with England, although the detestable spirit of faction prevents that desire from being entertained in every quarter. This vile working of party feeling prevents me from affirming that every respectable person in the Great Union is the friend of this country and of peace; but this I will say, and every one who is acquainted with the state of things in America will vouch for the truth of my assertion, that wheresoever in that country there is to be found a lower race of politicians than all others—wherever there can be discovered an inferior caste of statesmen—wheresoever in raking into the filth and the dross of faction, the dregs of political society, there is to be dug up a grovelling, groundling set of politicians—that wherever the mere rabble holds sway, as contradistinguished from men of property, of information, and of principle—in that quarter, among those groundling statesmen, among those rabble mobs, among that lowest class of the people, you are absolutely certain to find the strongest and most envenomed prejudices against the American alliance with England, and the greatest disposition to see war usurp the place of peace between the two kindred nations. Such, my Lords, were the dangers, such were the risks, and such the difficulties by which my noble Friend opposite, and my noble Friend (Lord Ashburton), whose delicacy prevents him from attending in his place this evening, found their path beset at every step. To heal these divisions—to provide a real and substantial cure for the wounds which existed in each of the two countries—to effect, not merely the adjustment of the differences in detail, but, above all, to reconcile the two countries, and to restore that feeling of cordial good-will which ought naturally to subsist between communities related by language, by laws, by the same literature, and by a common descent, was the paramount object of my noble Friend opposite, and of his emissary, my Lord Ashburton. Your Lordships will, I am am sure, give me credit for not having been influenced in entering into these details by any desire of needlessly occupying your time by referring to these fruitful subjects of an easy declamation; but it is quite impossible to tell what my case is, without calling your attention to the present, or, rather happily, the late position, and the state of feeling that prevailed, or had so long unhappily ruled, on both sides of the Atlantic. But, because I hold the assuaging of these feelings to have been the grand object of our endeavours, do I say, that the terms agreed upon are of no moment at all, that they are but as dust in the balance, absolutely, and of themselves and in every point of view, when I only say they are as a feather compared with far mightier objects? Do I hold that it was quite immaterial what terms were consented to on one side or the other? Very far from it. Some terms are always of importance. I should say that the pecuniary interests, the commercial interests of countries are, in questions of negotiation, of comparatively little importance, and for this reason:—If a war should take place, the expenses of the first six months of that war would cost incalculably more to both parties than the whole object in dispute. The case is similar to many lawsuits, as many of my noble and learned Friends know. Some of my noble Friends have profited more or less by such suits, and other noble Lords continue, without profiting much, to suffer a great deal from the laborious discharge of their duties in investigating such cases. I have very seldom seen a cause, in which a moderate amount, under 100*l*. or even 150*l*., was involved, which, upon a calculation of profit and loss, it would not have been the most prudent course, if the man had a receipt in his pocket, to have given up rather than incur the expenses of costs—and then run the risk, and there is always some risk, as to the result. But a man knows that if he did this in one case he would be liable to be gradually, and indeed very speedily, stripped of every thing he possessed. Such is also the case of nations, with regard to their disputes and their great trials, wars. The cost is heavier than any mere loss or gain can be worth. But anything affecting the honour of a country is always of importance; and I think it was Mr. Fox who once wisely and profoundly observed, that while he could never approve a war for profit, a war for the maintenance of honour was a very different thing, for the sacrifice of national honour must lead to the downfall of the country. It is, therefore, necessary to examine the terms and conditions of the important treaty to which I am now referring. This becomes doubly necessary when you are dealing with a people like our Transatlantic brethren, who are somewhat prone, after the manner of democratic nations, to magnify themselves and undervalue others, and to count all they gain in any new state as a tribute rendered by fear to their greatness and their courage—I now undertake to show your Lordships, that every one object of the negotiation has been gained, as well as the reconcilement of the two nations—that no one interest of this country has been sacriced — that nothing has been given up which it was of the slightest moment that England should retain; and, above all, that no one principle has been sacrificed, and that the high and untarnished honour of the people, of the Crown, and of the Constitution of this country has, throughout the negotiations of my Lord Ashburton acting on the instructions of my noble Friend opposite, been preserved absolutely unsullied and pure. I, therefore, come, my Lords, and I will be as brief as possible, to those points which the negotiator had to handle. I will begin with the subject of the Caroline. It has been said that an apologetical tone was adopted by my noble Friend in dealing with this question; but that he entirely succeeded in his negotiations on this point, that every difficulty was removed, that every doubt was at once abolished, and that the whole question was settled satisfactorily to all parties, I have yet to hear denied. This has certainly never been doubted on either side of the Atlantic. The greatest difficulty to be apprehended in the settlement of the differences between Canada and the United States arose, perhaps, from the fact of their near neighbourhood; for near neighbourhood in the case of states, as in that of private persons, does not always engender great vehemence of affection; but has sometimes a tendency, both with individuals and with communities, to beget feelings of a very different character. Accordingly monarchical and aristocratic Canada is very apt, if not to look down upon its neighbour the United States, yet to feel a pharisaical self-importance; to bless God that it is not as other men are—deprived of the spiritual blessings of a church, destitute of the light of the royal countenance, possessing only the rude and clumsy Doric columns of a republic, instead of seeing the tendrils of their vine and the branches of their fig-tree twine round the graceful Corinthian shafts of an aristocratical structure. Such is the feeling which prevails among our fellow-subjects in Canada. They were the witnesses, and indeed the actors in the affair of the Caroline, and if any persons were likely to feel dissatisfaction with the negotiations on this subject, had anything gone wrong, had any undue concession been made, or had any needful stipulation been omitted, the people of Canada were they. I understand from some friends of mine who have lately visited that country,—one of them an hon. and learned gentleman who has lately appeared at our Bar (Mr. Falconer)—for whose great abilities my noble and learned friends will vouch,—for whose accuracy and intelligence, and total freedom from prejudice, I can vouch from personal knowledge, and who was in Canada when the result of the negotiations was promulgated,—that nothing could give more entire satisfaction to the people of the province than these negotiations and their results. The press also was almost unanimous in its praise of the manner in which the affair of the Caroline was concluded; and, the press may be taken as an indication of the popular feeling, so far it is worthy of attention, though I am far, indeed, from holding it anything like a safe guide in other respects. It appears that out of eleven papers, of which the press of Canada is composed, no less than ten gave the most entire and express approval of all that had been done on the subject of the Caroline. But another testimony in favour of that negotiation I take from a very different source—from the eloquent silence on the subject of the objectors to my noble Friend. Not one word has been said by them against that section of the Treaty which touches the taking of the Caroline. True, I may be expected to say—Oh, such candid objectors as they are must have too much British feeling, too much candour not to give their open and oral testimony in favour of that part of the Treaty. But no! Not only is there a dead silence with regard to blame, but there is a dead silence with regard to praise also—

> "Et quæ . . . .
> Desperat tractata nitescere posse, relinquit."

The objector, whenever he can find food for his spleen, battens upon it; when there is nothing that can turn to gall, he leaves it; anything that seems unfit, not to make his eloquence shine brighter, but ill-adapted to serve as fuel to the flame of war, he leaves untouched. That silence, however, though little creditable to the objector's fairness, at least is valuable in that it forms a reluctant testimony to my noble Friend's success. It is said, however, that my noble Friend made an apology on the subject of the Caroline. Did he? Here is the language of this so-called apology. He is speaking of those who went across the St. Lawrence and cut out the Caroline, and who committed the act of hostility and of invasion of the American territory; and if my noble Friend made an apology, we must expect to hear him use the language of apology. You will expect to hear him saying,—"We are sorry for it; we will never do so any more; we admit that we are wrong and that you are right; and we beg that you will accept this declaration as an apology for what we have done." This is the sort of language which, when men talk of an apology, you may expect me to read as the language of my noble Friend. But what does he really say?—

> "I might safely put it to any candid man acquainted with the state of the circumstances, whether the military commander could, on the 24th of December, reasonably expect that he could be relieved by any American authority?"

That is to say, when the American authorities found it impossible to restrain their own subjects from the course they were pursuing, we must take the thing into our own hands and act. The noble Lord goes on,—

> "How then could the Government, having imposed on them the paramount duty of protecting their own people, be reasonably expected to wait for that which they had no reason to expect?"

I really do not know which the most to admire in this passage, my Lords,—the remarkable force, point, and precision of the language, or the dignity of the assertion of the right.

> "The necessity of self-defence," continues my noble Friend, "leaving no option of deliberation, was applicable to this case in as high a degree as to any case in the history of nations."

I need not read further. All the rest of that despatch is to the same effect, and justifies the act on the ground of necessity, using the self-same topic, so offensive at that time to Americans, which my noble Friend opposite (Duke of Wellington) used in the heat of the controversy—namely, that the American Government was too feeble to restrain its own subjects, and that therefore we must take the law into our own hands. So that it was most justly observed in a work not very prone to take the part of America, and which has many sins to answer for in exciting prejudices on both sides,—I mean that able and learned journal, the *Quarterly Review*,—that it is really an instance of kindly feeling on the part of the American Government to take this most plain and spirited assertion of a right as anything like an apology. But whence did all this dispute arise? It arose—mark this—out of a transaction which ended in reflecting equal honour on the candour and the sense of justice of the American Government, and on the dignified and determined tone of the British negotiator. It arose out of a transaction caused by that very deficiency of authority in the American Government to which the noble Duke referred at the time, and to which my noble Friend (Lord Ashburton) refers, in nearly the same terms, in the passage I have just read. It arose out of the case of M'Leod, which was not only declared to be an unlucky one by my noble Friend, but was also admitted by Mr. Webster to be so, for he says in the very next paper to that from which I have already quoted, that "it is a subject of regret that the release of M'Leod should have been so long delayed." I do not attempt to triumph over the United States because of this admission. I do not assume to look down on the American secretary on account of it. I do not wish to seize hold of this sentence as an apology, and therefore a humiliation of America. But, after all that I have heard said about my noble Friend having made an apology, I really must say, that the tone of the passage which I have just read does look to me much more like an apology than anything which is to be found in any part of my noble Friend's despatches. It is couched in the appointed phraseology of apology, the terms used by men when they feel they have done wrong, and wish to be pardoned by the injured party. But it casts no blame on America or her minister; on the contrary, it does credit to both. It is highly proper, fitting, and becoming that such a passage should there be found, because it shews that those honest republicans are not prepared to sacrifice truth and justice to diplomatic arts. But see what has been the result. It was necessary for my noble Friend, on behalf of this country, to endeavour to obtain such an arrangement of the law as would prevent the like evils happening in future. Surely it was no light matter to ask any State to change the fundamental law of its constitution,—to say to them, "Be pleased to alter the form of your Government in a material particular,—to add to the power of that executive, of which you are so jealous that you watch it by every kind of contrivance—be pleased to give to the Government of that central power, of which all the States of the Union are so especially jealous—as jealous as love of independence and national feelings united can make them,—be pleased to arm the Government with a new, unheard-of, unconstitutional prerogative, which, till then, had never been enjoyed in the Federal Executive of the States." Surely, it was no little matter to ask any power for such a concession; and for what reason? Why, because the absence of such a prerogative caused inconvenience to the neighbours of that power, and in order that the case of M'Leod might never occur again. Nevertheless, notwithstanding the greatness of such a concession, it was asked by my noble Friend, and it was entertained; it was honestly, candidly, and liberally received by the American negotiator; and, ten days before my noble Lord turned his back upon the country where his negotiation had been so satisfactorily concluded, a law received the assent of the President, altering the constitution, giving the power that was so jealously looked upon, and rendering it impossible, henceforth and for ever, that such a case as M'Leod's could occur any more. I apprehend, therefore, that in that part of the negotiation which related to the Caroline, the success of the negotiator has been triumphant and complete. The next case is that of the Creole—one of peculiar nicety. If, my Lords, you recollect the affair of the Creole, a year and a half back, and the state of feeling on it both out of doors and in Parliament, you will at once say that at no time has there been any case which appeared more likely to create difficulty, or to encumber the march of negotiation than that of the Creole. I remember well what took place before my noble Friend's departure. I had, in common with many noble Lords, conversations with my noble Friend on the subject, and I believe it will be readily admitted that no one entertained a doubt how difficult, if not impossible, it would prove to settle that question without consenting to give up something in the way of principle, with regard to the great question of the slave-trade—aye and something which would be most painful and repugnant to the feelings of this country. It always happens that men forget, or think lightly of difficulties, even of the greatest, after they have been overcome. It is so with us in all matters, from the most trifling to the most important, from the obstacles presented to our progress by a bad road, up to the obstructions in our path when governing a country and administering its affairs. But justice requires, when we are called upon to examine the conduct of those who have guided the State in its course, that we should cast our regards back, and recollect how we felt when the obstacles surrounded us, and beset every step of our path. I am about to carry your Lordships back then to that period, before any one of those difficulties had been overcome. The case is this:—The American coast in the Gulf of Florida lies on the borders of a narrow channel studded with islands, which islands must be neared by almost every vessel engaged in the coasting trade of the southern states, and since the establishment of steam communication this mode of transport has become still more desirable and preferable to that through the interior, because of the difficulties of the roads. Now, in these vessels the crews are composed of one or two free men and the rest are slaves. The consequence is, that this coasting communication, which is almost like a daily communication between parish and parish, cannot be carried on without exposing the owners of those slaves to the difficulty arising out of the principle laid down in the case of Somerset, and now re-asserted in that of the Creole; not to mention that many bands of slaves are constantly carried by their owners coastwise from one state to another, an unavoidable consequence of those great friends of human liberty still pertinaciously clinging to the crime and the curse of negro slavery. It was never doubted that the Americans, seeing this difficulty, would call upon us to give them some security against it, so that their negroes, in coasting from island to island, should not be tempted to run their vessels ashore, in order to avail themselves of that principle by which a negro, the moment he touches British land, becomes immediately free. The difficulty apprehended was, how we should be able to meet any such demand as this, if it were made. But what has been the result? It appears to me even more gratifying than that in the case of the Caroline. The American government, as if they saw the situation in which we were placed—the impossibility of our yielding on that point, and the extreme delicacy of the subject—made no demand of the kind, except that there should be some guard against conspiracies to harbour slaves, or decoy them from their owners; such as we ourselves provide against persons who harbour apprentices against their masters, and such as is provided more or less by all laws. But, on the other hand, a most important gain has been acquired—a most invaluable concession has been made by the American government. Now, for the first time, I rejoice to say there has been a distinct and unqualified admission by the American government—by that government representing not merely the good men of the northern and middle states, where happily slavery does not contaminate the banner of a free republic, but also the southern states,—they who are as great enemies of negro emancipation as ever existed,—for, although under republican institutions, there is nowhere, I am ashamed to say, a more deep-rooted aversion and disgust towards the very name of negro liberty than exists in the breasts of the free citizens of the slave-holding states of America; nevertheless, a most unqualified admission has been made by the government which represents those southern as well as the other states, that the instant a slave, whether American or any other country, touches a British settlement, that instant his fetters fall off for ever. Then, also, statutory provisions have been stipulated for, and are now in course of being passed for executing what is called the extradition clause, by which offenders in either country, under strict regulations, shall be mutually delivered up to justice. And now, my Lords, I approach that which, after all, is the main subject of these negotiations—the great boundary question—but before I come to that, I must address a few words to your Lordships upon what is called the right of search. If your Lordships will look to the despatch of the noble Earl (the Earl of Aberdeen) to Mr. Fox, of the 18th of January, 1843, you will find that he there expresses his astonishment that such grievous misrepresentations should have been made, and misapprehensions so industriously circulated on this subject; for that the right of search never did form, and never could have formed, any part of the subject-matter of these negotiations:

> "The President of the United States must have well known (said the noble Earl), that the right of search never formed the subject of discussion during the late negotiations, and that neither had any concession been required by the United States, nor made by Great Britain."

Yet we hear men persisting in the assertion that we have made an abandonment of the right of search. My noble Friend went there to hear what they had to say on the subject, and, as we had nothing to ask, we had it all our own way. Our right, all the right we claimed, we were in full possession of, and in daily exercise of, consequently we had nothing whatever to propound. It was for America to ask, which she did not. We did not claim the right of search in the proper sense of the term, because there had been no treaty. Without a treaty there can be no right of search in peace. We search French vessels, but that is by treaty. The Americans never would give up the right—one of the many evils that have grown out of the state of feeling, which I commenced by describing, and which I was forced to dwell upon at such length, because it appears to me to be the key that will unlock all the difficult passages in this case. We never claimed that right. If a vessel be an American, and is brim full of slaves, though every slave may have been found on board, or may be proved to have been thrown overboard in the chase, though an act of piracy, accompanied by murder as well as pillage, and attended by the most grievous infliction of cruelty, has been committed each time a poor negro was carried on board in irons, yet we never pretended that in such a case we had a right to search that vessel and ascertain whether it were a slave trader or not, or even if it were admitted to be a slave-trader, we admit the right of the Americans to carry slaves, as far as our authority is concerned. They are answerable to their own government, and not to us, for breaking their own laws, and we do not claim any right to stop or search a really American vessel, even although it may be caught *in flagranti delicto*, in the actual and audacious commission of piracy or murder. Nor are the right of search and the right of visit two different rights. No such thing. "Visit" is the French word, and "search" is the English. All that we have to do is to make certain that the ship is American, and then all right to search or to detain, ceases at once. But, on the other hand, no person has a right to hoist two pennyworth of flag, and call it the American flag, and by the magic of the name of that flag, keep us out of a slave-ship which we know is not American, or anything like

American. Where the case is one of such pregnant suspicion, that there can be no reasonable doubt of the American flag being fraudulently assumed—of the whole being as well a foul fraud on America as on ourselves—in that case our right to ascertain the truth is not done away with; but the fact is, that such cases are not at all included in the proposition on which the supposed right of search is based, because they are not American ships. The law is—the law of nations—that without a treaty we have no right to search an American ship for slaves any more than for anything else—that we have no right to stop an American ship on the sea—that an American ship may for anything that concerns us, trade in slaves as much and as foully as she pleases. But it is not the law, it is neither the law of nations, nor of common sense, that any vessel may trade in slaves, and commit all crimes, and shelter all felons, by hoisting an American flag, and that the sight of that flag is to turn away all our cruizers, though they may know that the ship is wholly manned, and owned, and fitted out, by British subjects. Let the objectors, if any there be in America, make the case their own. Suppose a murder committed in America—I put it in America, for if we have no right to search American guilty vessels, they have no right to enter English guilty vessels—and, by their own argument, if our flag is hoisted to cover that which is not English, they have not any right to go aboard a vessel fraudulently using our flag, and make search, any more than they say we have to go on board an English ship with a false American flag; suppose a crime of great enormity—a murder of a most cruel stamp—of the utmost blood thirstiness—was committed at New York, and the perpetrators were to go on board an American ship, which should put out to sea before the police could overtake the felons, and hoist the British ensign, lying off half a mile or a mile from the coast—according to the argument—I am astonished, I am petrified to find that such an argument should be repeated by persons writing on the law of nations, and by that profound jurist, General Cass—according to their argument, if argument such vile trash may be called, out of pure courtesy to the nation of those who use it to the degradation of that nation — according to their argument — the reasoning of those who can no more draw an inference than a pyramid — the murderers of New York might set the law of the country at defiance, because the ship they were on board of had an English flag, and no one had a right to visit her to ascertain whether she was English or not. That, however, is not the argument of Mr. Webster, or of my friend Mr. Everett, who most worthily represents his country here, and who, whilst he is most ready to maintain the honour of his own nation, feels the most amicable sentiments towards the country in which he is resident. Nor is this the argument of Mr. Stevenson, or of any man but those who shew that they are dealing with subjects of which they are not competent to comprehend even the very rudiments; these able and well-informed men never said that their own flag was to cover piracy, because used by fraud. Oh, but it is said, we are not to look at the text of the treaty; we are to look at the commentary upon the text contained in President Tyler's message. My Lords, I wish to speak with respect of the chief magistrate of the United States, although he was not chosen to be the chief magistrate—he was chosen as the second magistrate, as Vice-President, and by the death of the real object of popular choice, he succeeded accidentally to the chief magistracy. I speak with respect of him in his accidental office of chief magistrate. It is the practice in America, from a great confidence in human life, to choose a person as Vice-President, not with reference to any prospect he may have of succeeding to the chief magistracy — a person, whom, for chief magistrate, the people never would have thought of choosing. Nevertheless, I speak with respect of President Tyler, as he is a person chosen by the citizens of the United States to fill an office which gave him a chance of becoming President. And yet I confess, I believe that, as an honest republican, the head of a popular Government, he would not object to my giving a fair and candid opinion, that there are some parts of his conduct which I do not approve of, and which I do not at all comprehend. The electioneering system of America seems to me to make the whole time one perpetual canvass from beginning to end of each Presidency, and just in proportion as the period of election approaches does the feeling of political animosity become more exasperated, and all the arts of canvassing become, as it were, more rifely quickened into life. Now, the message of President Tyler has been by many viewed as an address, principally on the subject of his own election, to the Southern States of the Union, to which he belongs, or at all events where he has great hopes of success; men have looked at the whole matter as a canvass of the slave states in the President's message. Certainly, I cannot deny that a very curious gloss is put upon the articles of the treaty, which makes it appear that we have given up something we never dreamed of, and about which we never negotiated for a moment. Those who say nothing of the articles themselves tell us that we have abandoned the right of search, and think they can prove it because President Tyler has said so. I do not say, that they are right; I do not say, that the president has said so; and I believe he did not mean to say so; if he did, it would have been a canvassing measure, and I am the last man to suppose, that he would have uttered a false statement as a truth for the purpose of canvassing. But President Tyler has happily since told us what he did mean in language so plain, that he who runs may read. After stating the law as I have laid it down, he says:—

> "And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the House."

This was in February.

> "These declarations," he adds, "may well lead us to doubt whether the apparent difference between the two Governments is not rather one of definition than principle. Not only is the right of search, properly so called, disclaimed by Great Britain, but that of mere visit and inquiry is—what?"

Oh, say those who charge my noble Friend Lord Ashburton, with truckling, and abandonment, and degradation, and other hard terms with which they fill their mouths, though I verily believe their heads are free from them—oh, that is the only question. Nobody says, that the right of search was given up; but the right of visit—the right of suspicion—the right of ascertaining if a flag is genuine, and a ship really American—that right has been given up. Has it? Why do you say so? Because President Tyler says so. They do not look at the documents and the treaty, but they trust to the American commentators and to President Tyler. But does he say so? "Even that of mere visit and inquiry is"—what? given up? abandoned? sacrificed? departed from?—No such thing—the very contrary "is asserted, with qualifications inconsistent with the idea of a perfect right." Why, who ever said it was a perfect right? Who ever said, that there was an unqualified right to visit any vessel, French or any other? Nobody ever heard of it—nobody ever thought of it. That is the very hard statement of my noble Friend opposite (Lord Aberdeen), and the statement he abides by, and the statement I abide by.

> "A right which is only to be exercised under such restrictions and precautions and risk, in case of any assignable damage, to be followed by the consequences of a trespass, can scarcely be considered anything more than a privilege asked for, and either conceded or withheld on the usual principles of international comity."

And the president says,—

> "Such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the House."

I was curious to look at these documents thus referred to as communicated now,—namely, 27th of February, 1843, because, though I have the president's clear admission in the rest of the paper, this reference to a document puts the matter beyond doubt. Now, then, I shew your Lordships that I have the admission of President Tyler himself, that we have not given up, but have asserted the right of visit. This message of the 27th of February, 1843, refers to the note of Lord Aberdeen to Mr. Everett of the 20th of December, 1841, in which the right of search is modified and qualified; but the right of visiting a vessel under a flag used fraudulently is asserted in plain, distinct, and downright terms, from the beginning to the end of the note. This is the document to which the passage refers; consequently the President states that Lord Aberdeen, up to February 27, 1843, holds by and asserts the right of ascertaining the genuine nationality of any ship under an American flag. Then what says Mr. Webster? At one of his first interviews with Lord Ashburton, when the subject was glanced at Mr. Webster cut short all discussion by distinctly and categorically asserting, that the question had been set completely at rest by the unanswered and unanswerable statement of my noble Friend (Lord Aberdeen) to Mr. Stevenson. [The Marquess of *Lansdowne:* where does that appear?] It is not in any dispatch. I have it in the statement of my noble Friend, Lord Ashburton, made in his place as a Peer of Parliament, which I think sufficient to satisfy my mind as to what Mr. Webster said to him,—that the question had been for ever settled by Lord Aberdeen's despatch to Mr. Stevenson. But though this would clearly have been sufficient, the matter rests not here. Look to No. 5 of the papers last laid before the House, on the motion of my noble Friend himself (the Marquess of Lansdowne.) I find it stated by Lord Aberdeen, in a letter to Mr. Fox,—

> "That he had no intention to renew the discussion upon the subject, which was the less necessary, as the Secretary of State, that is Mr. Webster, had more than once (I said once; I find I understated the case), more than once declared to the British Plenipotentiary, that is Lord Ashburton, that the statements of Lord Aberdeen had been satisfactory."

This shews that I have not misstated or misunderstood the information I obtained from my noble Friend. It shows, that he must have related in his despatches to Lord Aberdeen, the conversations and admissions of Mr. Webster, in the same terms in which he recounted them to your Lordships in his place. I have had occasion, in dealing with this branch of the question, to notice what has been said of the political character of America. No one will suspect me of any hostile feeling towards the American government, or of joining in any outcry raised against it; but when I see it confidently stated by General Cass, and stated as a known and admitted fact, that the American Government is beyond all comparison, and without any manner of doubt, by far the freest Government on the face of the earth, I, with the moderation of one speaking as the subject of another government with the respect due to all foreign institutions, and with the self-denial which becomes me in comparing them with our own, must be allowed to enter my protest against such a statement. True, there is no monarchy there; true, they have no thraldom either from despotic prince or haughty patrician; but I do venture, and I think I may without offence venture to express a hope that all is not tyranny which is clothed with a royal name, and that all is not pride and oppression where nobility exists; that there may be freedom under a sovereign, and equal rights enjoyed by private individuals under an aristocratical polity; whilst it is barely possible that there may be tyranny and despotism beyond all endurance—that there may be tyrants not one but many, who may drive a people to desperation, to abject degradation, to self-abasement where kings are unknown; that there may be a helpless state of thraldom in a democratic constitution beyond all that nobles can inflict. The worst sort of tyranny is that of a reckless mob, without responsibility, at least in its corporate or aggregate capacity; but I pause on this proposition; for there is a tyranny worser still, where not even the slender personal responsibility exists which the individuals of a mob feel—that tyranny, the greatest curse of America—the intolerable despotism of the anonymous mob, the licentious and slanderous press—the curse pervading the whole union, invading the privacy of domestic life, outraging the personal feelings of all ages and both sexes, from whose venomous fangs nothing is sacred, and which alike revels in the destruction of all character and the corruption of all taste. I name it now in the hope which every good American and every true friend of America cherishes, that many years may not pass over our heads before these ruthless and despicable tyrants shall be dethroned and destroyed, if they cannot be curbed, reformed, and reclaimed! I now proceed to the last point, but in some respects the most important of all, the Boundary Question. We have been told that the cessions we have made "have fixed a stain upon the honour of the country, which it would be difficult to parallel in the whole annals of diplomacy." Here I have no *locus standi* if there be the least foundation for the charge; but if I repel it, and, without retaliation—if I shew that there is no colour or foundation for it, without at all recriminating on those who make the assault, then I think the stain will rest, not upon the honour of this country, or of the negotiator, or of his instructors, who are attacked, but somewhere else, which I leave this House to divine. The Boundary Question was a question of compromise, not of strict right. Then, what is meant by the magniloquent expressions about a stain on the honour of the country, if it was no question of right, but only a matter of arrangement? If, in such a case I should be of opinion that a man got less than another thought he was entitled to, could it be said that there was a stain upon his honour. But I will show that nothing was given up at all. In 1794, the negotiations were referred to arbitration, by two commissioners on each side, with power to choose an umpire by lot, and the lot fell on an American, and by these arbitrators the head of the St. Croix was determined to be the commencement of the American line, which thus included the whole of St. John's river. Now, in the American treaty of 1783, the language is to be considered, though there is a certain map on which I have a word to say. But, if in conveying a certain estate, there is a description and also a plan, the plan is only resorted to in case of ambiguity of the words: if the description is one way and the plan another, the plan goes for nothing. Now the description is this:—"A ridge which divides the waters which flow into the St. Lawrence, from the waters which flow into the Atlantic." If the American line is followed—if the Bay of Fundy is in the Atlantic, then the description of the ridge is completely answered be the American line; but by no conceivable supposition can the ridge be our boundary line; there is no ridge within 200 miles of our boundary, dividing the waters of the Atlantic on the one hand, and those of the St. Lawrence on the other; therefore, by possibility their line may be right, but by no possibility can ours be right. Now, the matter was referred to the king of Holland, and he made what the Americans call the Dutch line, which kept the Americans very near the coast of the St. Lawrence. Did we object to this reference? Did we fly off? Did those who now object to what Lord Ashburton has done, shudder at what the king of Holland proposed? Did they exclaim, "What, give up 500,000 acres of bad land? God forbid!" Did they shrink at the Americans being so near the coast of the St. Lawrence? Did they wring their hands in despair that we got no more? On the contrary, they accepted the Dutch line; they pressed it urgently upon America for three or four years, and America refused it. There were two great objects, two great points we were throughout anxious to gain—the keeping away the Americans from the St. Lawrence, and the keeping open the communication between Canada and the coast of that river. The Dutch line gives us the latter object, but not the former. Nevertheless, we adopted and pressed that line on America. Compare now what Lord Ashburton has done with the Dutch line; and first of all, to estimate the difficulties he had to encounter, look at his situation with reference to this boundary question. The inhabitants of Maine, of all the people of the United States, are most affected by this question. I believe that they proposed to themselves that there should be no treaty on the subject. I believe that was their desire. But I know that they appointed four deputies, and Massachusetts, the state next to Maine most desirous there should be no treaty made, appointed three, to attend the negotiation. They were required to make no concessions; and that they might be more sure to render the treaty utterly impossible, each of the seven negotiators had an absolute veto upon the whole proceeding at every stage. A *liberum veto*, that famous expedient for neutrality, for preventing all action, for what Americans would term *nullification*, was conferred on each of the seven commissioners with whom my Lord Ashburton had to treat. Such were some of the difficulties with which he had to deal. How did he steer his way? You would say it was utterly impossible he should get a line half so good as the Dutch line—a line of which we were so fond that it was deemed a victory—which was cheerfully adopted by us and pressed upon America, and we were greatly disappointed that it was not accepted. You would naturally suppose that Lord Ashburton, whose difficulties were very much increased by the state of the negotiation, he having succeeded in four points out of the five, which rendered it more difficult to succeed in the fifth, especially when there were parties armed with a veto from Maine and Massachusetts for the express purpose of preventing his success. You naturally expect, therefore, that he would have got anything rather than the Dutch line. He must give up something, and something considerable, to obtain that line. But what if he gave up very little of any value? What, if the price he paid for obtaining a good line was nothing very material? The Dutch line was manifestly no longer to be hoped for;

a worse line was inevitably our fate. What, if the line we obtained through Lord Ashburton, was not so materially worse than the Dutch line as might justly and naturally have been expected? What, if it was not worse at all? What, if he got the Dutch line itself? Would that be no success in negotiation? Would that be no praise to a negotiator, so skilfully and judiciously selected?—no praise due to the good instructions he was armed with?—no praise to the ability and firmness with which he executed them? But what if he got a line a great deal better than the Dutch line? The Dutch is as far inferior to the line which Lord Ashburton has got, as the Dutch line is better than the line we had any title to expect; and while it keeps open the communication—one of the points in view—it removes the Americans much further from the St. Lawrence than the Dutch line did, which was the other great object. Such is the state of the case. I need not go further; nevertheless, I am compelled to take notice of another circumstance, because it is incumbent upon me, from the singularity of the matters attending it—from the peculiarity of the discovery—from the charges that have been grounded on it of neglect against us, and of the suppression of truth against my excellent friend Mr. Webster; but which derives in my eyes an additional interest from the name with which it is connected, of one of the greatest philosophers and philanthropists and statesmen by whom either England or America, fruitful in all such produce, ever was before honoured or adorned—I mean the illustrious name of Franklin. We find that, at this extraordinary moment in a singular place, and under circumstances of no little suspicion, a map or plan has been produced, said to contain Dr. Franklin's sketching, in red ink, of what he held to be the boundary line of Mr. Oswald's treaty; and it is said, that when you examine that line it turns out to be coincident with the British line; whence an argument is said to arise—that we have been defrauded out of a few thousand acres of land, which this map would have given us, and which the Americans must have conceded, because Dr. Franklin, their own negotiator, had drawn it against them and for us in the year 1783. Upon that point I would first make this remark:—it is a very singular fact that my excellent friend Lord Granville, after searching in the archives of the Foreign-office in Paris, could not find this map; and that there is no trace of its history. Well, then, after a minute being made in the office that there was no such plan; in a letter from Count de Vergennes to Dr. Franklin, or rather in a letter from Dr. Franklin to Count de Vergennes, in answer to one from him, the Count's letter not being found up to this hour, Dr. Franklin speaks of a map, "in which," he says, "I have traced what I take to be the line in Mr. Oswald's treaty." It is very odd that this could not be discovered at all till a long time after the search for it, and that there is nothing whatever to connect the map with that letter. There is no evidence which they would have been able to produce in any court of justice to shew that this is the map to which Dr. Franklin's letter refers. The map could never have been let into any such case at all. They find the letter in one place, and at one time, and at a different time, and in a different place, they find the map; but whether that is the map referred to in the letter of Dr. Franklin or not, they cannot tell. Dr. Franklin's name does not appear upon it; nor is there anything in the slightest degree calculated to connect it with Dr. Franklin; and it is a map of very small dimensions, a few inches square. My first remark upon this is, that under the suspicious circumstances and mysterious nature of its appearance, and the want of evidence to connect it with the letter, it is by no means upon such a document that a great matter like this can be settled; it is by no means upon such evidence as that, so doubtful and unexplained, and surrounded with so many suspicions, that it would be safe for nations to suffer that the success of their negotiations should depend. But the map does not tally with the description given? Suppose you had an account in writing, that the thames, as is the fact, forms the boundary of the counties of Surrey and Middlesex; and suppose you found a map, or chart, or plan connected with that description, on which a red line through Piccadilly was drawn as the boundary, I should not take it; I should go down to the river; because the red line is only to be regarded if the words do not speak for themselves, or the language is ambiguous; and the same is the case here, more or less. A great charge against Mr. Webster is, that he suppressed the map of Dr. Franklin in the course of the negotiation; and this suppression has been said to savour of bad faith. I deny it. I deny that a negotiator, in carrying on a controversy, as representing his own country, with a foreign country, is bound to disclose to the other party whatever he may know that tells against his own country, and for the opposite party. I deny that he is so bound, any more than an advocate is bound to tell the court all that he deems to make against his own client and for his adversary. My noble Friend, Lord Ashburton, has been objected to—my noble Friend opposite has been blamed for selecting him—because he is not a regular bred diplomatist, because he is not acquainted with diplomatic lore, because he is a plain unlettered man as regards diplomatic affairs, and because he had only the guide of common honesty and common sense, great experience of men, great general knowledge, a thorongh acquaintance with the interests of his own country and of the country he was sent to, for his guide in the matters he was to negotiate. But I believe my noble Friend has yet to learn this one lesson—that it is the duty of experienced diplomatists, of regular bred politicians, of those who have grown grey in the mystery of negotiation and the art of statescraft, that when you are sent to represent a country, and to get the best terms you can for it, to lower the terms of the opposite party, and to exalt the terms of your own, as far as may be—you ought first of all to disclose all the weaknesses of your own case—that your duty to your country is something, but that your duty is first to the opposite party, and that you are bound to tell every thing that makes for that adverse party. That is your duty; that is one of those arts of diplomacy which have lain concealed until the present year, 1843—one of those principles of statesmanship which it remained for the 6th of Victoria to produce and promulgate, but which were assuredly not quite understood by that old French statesman, albeit trained in the diplomatic school, who said, that language had been conferred upon men by Providence for the purpose of concealing their thoughts. This was a lesson he had yet to learn, this regular bred diplomatist — this practised negotiator. He certainly could not have thought, that it was his duty to practise a window in his bosom, and let every one see what passed in his mind. But it was the duty, it seems, of my noble Friend to tell all, and it was equally the reciprocal duty of Mr. Webster to do the same. It was my noble Friend's duty to disclose all that he had found out against the negotiation he went to conduct. That was the new art, the new mystery, the new discovery of 1843; but I find my hon. Friend Mr. Webster, has great authority, and that even if he were wrong, he errs in excellent good company. It does so happen that there was a map published by the King's geographer in this country in the reign of his Majesty George 3rd; and here I could appeal to an illustrious Duke whom I now see, whether that monarch was not as little likely to err from any fulness of attachment towards America, as any one of his faithful subjects? [The Duke of *Cambridge:* Hear.] Because he well knows that there was no one thing which his revered parent had so much at heart as the separation from America, and there was nothing he deplored so much as that separation having taken place. The King's geographer, Mr. Faden, published his map 1783, which contains, not the British, but the American line. Why did not my noble Friend take over a copy of that map? My noble Friend opposite (Lord Aberdeen) is a candid man; he is an experienced diplomatist, both abroad and at home; he is not unlettered, but thoroughly conversant in all the crafts of diplomacy and statesmanship. Why did he conceal this map? We have a right to complain of that; and I, on the part of America, complain of that. You ought to have sent out the map of Mr. Faden, and said, "this is George the third's map." But it never occurred to my noble Friend to do so. Then, two years after Mr. Faden published that map, another was published, and that took the British line. This, however, came out after the boundary had become matter of controversy, *post litem motam.* But, at all events, my noble Friend had to contend with the force of the argument against Mr. Webster, and America had a right to the benefit of both maps. My noble Friend opposite never sent it over, and nobody ever blamed him for it. But that was not all. What, if there was another map containing the American line, and never corrected at all by any subsequent chart coming from the same custody. And what if that map came out of the custody of a person high in office in this country—nay, what if it came out of the custody of the highest functionary of all,—of George 3rd himself? I know that map—I know a map which I can trace to the custody of George 3rd, and on which there is the American line and not the English line and upon which there is a note, that from the hand-writing, as it has been described to me, makes me think it was the note of George 3rd himself: "This is the line of Mr. Oswald's treaty in 1783," written three or four times upon the face of it. Now, suppose this should occur—I do not know that it has happened—but it may occur to a Secretary of State for Foreign Affairs,—either to my noble Friend or Lord Palmerston, who, I understand by common report, takes a great interest in the question; and though he may not altogether approve of the treaty, he may peradventure envy the success which attended it, for it was a success which did not attend any of his own American negotiations. But it is possible that my noble Friend or Lord Palmerston may have discovered that there was this map, because George 3rd's library by the munificence of George 4th was given to the British Museum, and this map must have been there; but it is a curious circumstance that it is no longer there. I suppose it must have been taken out of the British Museum for the purpose of being sent over to my noble Friend in America; and, that according to the new doctrines of diplomacy, he was bound to have used it when there, in order to show that he had no case—that he had not a leg to stand upon. Why did he not take it over with him? Probably he did not know of its existence. I am told that it is not now in the British Museum, but that it is in the Foreign Office. Probably it was known to exist; but somehow or other that map, which entirely destroys our contention and gives all to the Americans, has been removed from the British Museum, and is now to be found at the Foreign Office. Explain it as you will, that is the simple fact, that this important map was removed from the Museum to the Office, and not in the time of my noble Friend (Lord Aberdeen). Now one word as to the ignorance and inefficiency of Lord Ashburton. I am aware that there was a plan proposed in 1837, by very experienced diplomatists, for the settlement of this question; and what do you think they proposed as a rational practical expedient? A mediator was necessary, a reference was necessary, and an arbitration was necessary. The reference to the King of Holland had failed, his award had met with the refusal of America; therefore, they said there must be a new reference, and there must be a new mediator. Let us try this plan, said they. One king does not do, let us appoint three; and so, on the 6th of January, I suppose, which our French neighbours call the day of the three kings, but which we call Twelfth-day, they draw for three kings and this was the result; this was the plan of diplomatists of experience of, regular bred statesmen, of men grown old in the service of the Foreign office, of men really at the head of all diplomatic craft; this was their consummate tactic for practically settling a difficult question. They said appoint three kings; and what then? Did they add, let these three kings arbitrate? Oh no, no such plan! It was too much akin to common sense to let those you appointed arbitrators, arbitrate. That was not their plan; they meant nothing so plain and so vulgar as that; but they said: "Let us appoint three kings, and let them have a commission to do"—what? To settle the dispute? The kings had a royal road to truth, though there is no royal road to geometry. They had a royal road to an award, which a common arbitrator did not appear to have; but the three kings, truly mailed and fenced in with their own peculiar dignity, they had a road all to themselves in the air, and, therefore, they had nothing to do with arbitrating. They were chosen for that, but they were to do nothing of the kind. What had they then to do? To choose philosophers, men of science, and to send those men of science to examine the boundary—and report. Behold the result of diplomatic experience—of long acquaintance with the forms of office; it is an accomplishment to which my noble Friend never aspired, even in his dreams of arbitration. I know that once upon a time, by a departure from professional arbitrators, very short work was made of a long suit, which, as my noble and learned Friend on the Woolsack knows, had lasted some eight or nine years in the Court of Chancery, and when some of the parties entitled to the property were starving, but that we did'nt mind. The suit might have lasted for the natural lives of all the parties, and of the counsel too. Some of the parties were in the workhouse, but they got tired of this; the counsel did not get tired of it at all, nor possibly even the solicitors; but the judge got tired of it, and the parties got tired of it, and so the judge recommended a reference, and the parties acceded to it, and it was about the only reference in equity that has ever been final. The four years that I was there, there was not a single reference. There was only one in my noble Friend's time, and it ended in the cause coming back to him again; but in this case the reference was effectual. Now, as they said to the Foreign-office upon the present question, "Why send a man who is not a regular bred diplomatist?" so was it said in this particular case, "Why not take a lawyer—it is shocking, it is indecent not to do so." But the practitioners did let go the carcass, or what little remained of it; it was not much; but the whole cause was referred to my excellent friend Mr. John Smith, and to this very Lord Ashburton. And what was the result? That in less than a week—in less I believe than three days—the whole matter was settled; an entire division of the property took place, there was an end of the suit, and the bill was dismissed. The whole of the money was divided amongst the parties, and those who were in the workhouse were released, and in the enjoyment of their own property. It was a most shocking event, because it took the property out of the hands of those who were its natural owners—I mean the lawyers—and vested it in the hands of those who were intruders, being those to whom it belonged, and who had so long been perishing for want of it. And I hope your Lordships will excuse my recounting this anecdote, though a professional one, as it may perhaps a little enliven the dry details into which I am obliged to enter; but I mention it also to let you know that a man who was not bred a diplomatist, who was not an experienced statesman, might be selected as an arbitrator, and might adjust a most difficult question; as the same person not bred a lawyer had successfully arbitrated an endless equity suit. I come now to that part of the question which has reference to the giving up of the boundary of Madawaska. That is, in fact, the gist of the charge against my noble Friend Lord Ashburton. I will state what the Madawaska is. It is a small piece of territory through which the St. John's River runs; and the insult and dishonour is said to be because British subjects inhabited it, and that we gave up a part inhabited by British people. ["No, no."] I mean French people from Canada, or from Nova Scotia; but they were British subjects. The truth is this—in 1763, when the illustrious achievements of our arms at Quebec under Wolfe had conquered Canada, and we had taken possession of Nova Scotia, a number of refugees, disliking our dominion—that is the fact—disliking our dominion, and annoyed by our conquest, left our territory, and voluntarily took refuge in the Madawaska district. I do not think we were very much bound to go out of our way to consider them, and to run the risk of throwing up our negotiation on their account. But then it is said we have given up and have abandoned this new territory for no object. But what if those people who make these objections did a great deal more to abandon Madawaska than my noble Friend ever dreamt of doing? For my noble Friend kept a large portion, and three-fourths of the people, and they gave up the whole. Upon the disputed ground a fort, Fort James, was erected by the Americans within the last ten years, while the objectors to this treaty were in the Foreign-office; and yet no step was taken to prevent that act of sovereignty. I suppose no apprenticeship of ten years at the Foreign-office is necessary to make one know that erecting a fort upon any ground was pretty good evidence of a claim of sovereignty over that ground. That fort was erected,—there was no attempt to take it, and that fort was erected on the very spot where we had before arrested a citizen of America named Baker; and for what? For making a seditious movement to claim that very territory on behalf of America. Therefore our allowing the fort to be erected was a great deal worse than if we had allowed it without claim or remonstrance. Mr. Baker was arrested for making a claim. He was given up after being arrested, and the fort was allowed to be erected on the very spot. Fort Fairfield, another fort, was erected on the same disputed territory, and suffered to remain undisputed and undisturbed. Then a writ was issued out of Penobscot county for electing American officers in Madawaska. The American officers were arrested for serving and executing that writ; Mr. Livingston remonstrated, and upon his remonstrance, the officers were released by the objectors to my noble Friend, Lord Ashburton, and my noble Friend opposite. Next, a road was made by the Americans through the disputed territory. A remonstrance was offered by us, but the road was not stopped by the objectors. My Lords, there is nothing so degrading—if they talk of dignity, and abandonment, and degradation, and truckling—as their conduct who do not abandon before remonstrance, and without remonstrance—but choose to remonstrate, and when they are not listened to then abandon. Last of all a census was taken of the population, another act of sovereignty, and a pretty distinct act—a numbering of their Madawaska subjects by the American government. My noble Friend, Lord Ashburton, gave up part of the settlement and it is said to be an intolerable and unparalleled stain upon our honour. But the very parties who say so, allowed that census to be made. The person who was employed to take the census was taken into custody; but on the 5th of August, 1837, he was released by Sir John Harvey, in consequence of positive instructions to that effect from the Foreign Office. The terms in which the demand for his release was couched are sufficiently remarkable, and are deserving the attention of your Lordships. It says:—

> "A deep violation of our law has been committed on the soil and territory of the United States by the arrest of Creed."

Such, my Lords, is the language in which the demand for the release of the person who made the census was couched, and to which Lord Palmerston twice paid implicit obedience, for the same person was again arrested on the 26th of August; but he was again given up upon a remonstrance made by the American authorities, and was never after retaken. If ever men, then, my Lords, had no title to speak of degradation, dishonour, and abandonment of rights, in relation to the settlement of Madawaska, surely it is the very men who now so complain of and so vituperate the conduct of my noble Friend—the men who had long ago suffered five several acts of sovereignty to be done on the spot—had always tried to prevent or to punish them, and had always been frustrated in their attempts—had always yielded when resisted and beaten. And now, my Lords, I come to the last of these charges, which have been showered upon my noble Friend and it applies rather to my noble Friend himself, than to those who commissioned him. My noble Friend's tone, it seems, was too mild; they call it "a truckling, a cunning, a wheedling, and an undignified tone." My Lords, I am here to deny it, but I feel embarrassed with the nature of such a charge. Hitherto I have had to deal with men's actions—with their course of conduct while struggling for the interests of their country, or for the interests of humanity, or, as the objectors alleged, of my noble Friend, while abandoning and giving away the rights and the interests of both. My Lords, I can understand the acts of a man; I know that they are palpable and may be found fault with—I can perfectly understand that a charge may be brought against a man in respect of deeds done by him—I could deal with such charges and repel them, or if not I might submit; but when I hear a complaint of a tone, of the tone of the language used by an individual, the matter wholly eludes me; it is very difficult to meet, because when you try to grasp it, it vanishes into thin air. My noble Friend is charged with having compromised the position in which he was placed—with lowering the dignity of that great Crown which he represented. It is said, "All his deeds may have been right enough, but look to his words. He has done nothing amiss; he has made no concessions failed in no attempt, submitted to no dishonour; but observe his tone; scan his words. They are too civil, too humble, too little dignified." That charge is rested upon the words which are to be found in his despatch of the 21st of June, and to them I entreat your Lordships' particular attention. See what it is that they complain of as "cunning, wheedling, truckling, undignified."

> "If the part which through a long life I have taken in public affairs is marked by any particular character, it has been by an earnest and persevering desire to maintain peace and promote harmony between two countries having a common origin. . . . On the accession to power of the present ministers, perceiving the same wise and honourable spirit to prevail, I could not resist the hope of being able to serve my country, and, accordingly, at a time of life when no other inducement

would have been sufficient to lure me from that retirement better suited to my feelings, I have taken upon me the cares of this negotiation."

I know not whether my noble Friend is a practised author, and capable of facing the courts critical of the country, any more than that he is a practised diplomatist, and fit to pass muster at the Foreign-office. But I will say, that a more beautiful piece of composition, in the writing of any author, I have never yet seen, than the remarkable passage I have just read. But this language has been attacked as cunning, as truckling, as leading to the humiliation of our country, it has been stigmatized as wheedling and unworthy of a diplomatist. My Lords, who can be so great an authority upon such a question as Mr. Fox? He was not only well versed in all matters of modern and ancient lore, but in foreign affairs he was peculiarly so; indeed, he has been painted, and most justly painted, by the relative of a noble Duke opposite, one who knew him well, (Mr. T. Grenville) as the man who, above all other men, was an able an accomplished negotiator. Nay, this very character has been given of him, and his high authority appealed to by those ignorant, those singularly ignorant objectors, whose attacks I am now dealing with. They so ushered in an appeal to his fancied authority. Well, the objectors say, "Good God, what would Mr. Fox have said to such an appointment as that of my noble Friend? what would Mr. Fox have said to such a cunning, truckling, wheedling mode of carrying on a great negotiation?" Now, my Lords, I cannot take upon myself to say what Mr. Fox would have said. I cannot take it upon myself to speak of him in that fanciful and easy tense, of what a man would have done, or might have done; but I will take upon myself to say, speaking in the past tense,—the tense of the historian, and not of the poet,—I will take it upon myself to say, not what Charles Fox would have done, but what he did; and upon that I rest my case, and the ultimate defence of my noble Friend. My Lords, I speak now as a witness of what I am about to lay before you. But I am not the only witness; my lamented Friend, Lord Holland, was also present, and I believe the passage will be found in his papers; for I am confident he must have noted down a passage so remarkable, that I have again and again heard him refer to it. In 1806, when Charles Fox presided over the Foreign Office, the question of furnishing out the embassies arose. Mr. Fox then said, "I will choose my ambassadors only in one way—I will choose them out of Homer." Of course such a reply caused some astonishment, and naturally the question was put to him, "How so?" He said, "When Agamemnon wished to send an embassy to Achilles to promote a treaty of peace with him, he could not find one man combining all the qualities he thought necessary; therefore he chose three—Ajax, Ulysses, and Phœnix. He chose Ajax for his high birth; Ulysses for his great experience and skill in negotiation; and Phœnix, because he was the old master and friend of the man to whom the embassy was sent, and the man for whom Achilles had the greatest regard." Well, then, in choosing his negotiator, my noble Friend opposite followed the example of Agamemnon. Lord Ashburton had rendered great services to England and America, in promoting a good understanding between them; he was connected with England by birth and affection—As Phœnix stood in an endearing private relation to the chief he was sent to conciliate, so Lord Ashburton had a yet more endearing connexion with the nation he was sent to, having brought from among them the matron who divides with him his cares, who shares his distinguished name, and who will now partake the new illustration which your Lordships are about to shed upon it. In him all the three requisites for an embassy were joined, in him there was rank, skill, and above all kindness—kindness mutually prevailing between him and the party with whom he was sent to treat. But then, my Lords, it is said that this was only a speculative opinion of Mr. Fox's; but did he not act upon it? That he most undoubtedly did. He had not been a week in the Foreign Office before a miscreant waited upon him with an offer to assassinate Bonaparte. What was his conduct then? Did he treat the man with sullen scorn, and command him to be cast out of the office because he had offended his dignity? He did no such thing; but he sent him over to M. Talleyrand, who was then the Foreign Minister in France, with a letter; and if any man, or any 100 men, were to swear that in thus sending him over, Mr. Fox had no hope of thereby opening the door for negotiation, that he had no hope of his act of courtesy leading to some reconciliation with France through the Emperor, I would not believe him or them; I would not believe any authority on such a subject, save that of Charles Fox himself, who I full well know never would for an instant of time have put forward so absurd and incredible a pretence. But that was not the end of the truckling and wheedling of Mr. Fox; for negotiations did arise out of these courtesies. One courtesy indeed was repaid with another; for I remember that Mr. Fox received a present of the growth of France, of which I partook, and which was very acceptable to my illustrious Friend for its own intrinsic merits, though still more as a token of reviving good-will among the rulers of France. But, my Lords, Mr. Fox thus opened the door, and the door being opened by this truckling and wheedling system, somebody behoved to enter; and then came the proper time for my illustrious Friend to put the Homeric plan in operation. In the cabinet of 1806, were men of all the various shades of opinion; the Whigs were there in considerable proportion, the friends of Lord Sidmouth in a smaller proportion, the friends of Mr. Windham in considerable numbers,—men who had been notorious through their lives for a repugnance to France and French notions of liberty; there were also the friends of Lord Grenville, and there was Lord Hastings, who might be characterised as belonging to no party. There was, therefore, no limit to the choice of men in the hands of Mr. Fox; he was not driven to choose a friend of his own by any want of proper materials. Well, according to the doctrine of those who now raise the cry of truckling and wheedling against my noble Friend, Mr. Fox ought to have chosen for his ambassador a man who all his life had been a violent enemy to Bonaparte, some adherent of Mr. Windham, who had opposed the peace of 1802, and never ceased to vituperate the Consul or the Emperor; some practised diplomatist of Lord Grenville's school, who had rejected the Consul's advances in 1800, on his first accession to power. But who was it that he did choose? Why, my late worthy and lamented Friend, Lord Lauderdale—the very man in all England who was most the friend of France; he was the man selected for that embassy, although during the whole course of his life he had given expression to strong opinions in favour of the French. When the emperor heard of this nomination he exclaimed, "They have sent me an old Jacobin." "*On m'a envoyé un vieux Jacobin.*" Greatly mistaking Lord Lauderdale's opinions certainly, but right in believing he was partial to France and French principles in those days. My Lords, did any man ever charge Mr. Fox with truckling and wheedling, because of his choice of an ambassador on that occasion? No such thing. Mr. Fox knew that the way to gain his own ends, and to serve his country, was to send over a man who would be favourably received by the party with whom he was to negociate, and therefore he chose one to whom the French could have no enmity, but for whom they would rather be inclined to feel kindness. If your Lordships want any more instances of the same policy I have one ready, of which I speak from personal knowledge, having been under that truly great man Lord St. Vincent, one of the mission I am about to describe. It was thought expedient to thwart Bonaparte in his attempts upon Portugal, and to prevail upon the royal family to leave Europe for the Brazils, an important operation afterwards very ably and successfully performed by my noble Friend opposite (Lord Strangford). The battle of Jena, soon after our arrival in the Tagus, suspended for the present our mission; but how was it composed? Three commissioners were sent, and one of those was General Simcoe, a gallant general, no doubt, but wholly inexperienced as a negotiator, and in such a state of health that he died immediately and before the mission was closed. However, he was sent with us on the mere ground that the name he bore was a passport to the hearts of the Portuguese—he was sent because he was the son of the General Simcoe, who took out from England 200,000*l.* towards the relief of the sufferers by the great earthquake in 1761, and whose name was revered in Lisbon. Was that truckling conduct? No; it was called, and I think rightly, a wise expedient, and in no manner of way unworthy of, or unbecoming a great nation. My Lords, I have now arrived at the last charge which has been made against my noble Friend, that at a public meeting he spoke of Boston as being the cradle of American liberty. It is said that such an expression was in bad taste, that it was undignified and unbecoming the representative of England. But, my Lords, it must be remembered that this meeting was held after the negotiations had been terminated, after all had been concluded, and the parties had then met for the purpose of singing, as my noble Friend (the Duke of Wellington) lately said, a song of triumph upon the happy occasion. It was a public meeting, attended by 3,000 persons, and held for the purpose of celebrating the new alliance, the reconciliation between two countries which ought never to be at variance; and what is rather strange, this objection, this charge, is made by Whigs, or a sort of Whig—a Whig not of the first growth, but rather of a light body. It is something strange to hear such as they object to anything said in favour of the cradle of liberty? Wherever the word "liberty" is used I should have thought they would think the sound so sweet as might have reconciled them even to a breach of dignity or decorum; but I find I was mistaken. My Lords, I am sorry to have detained your Lordships so long, but I am happy to say I have now arrived at the end of this tedious subject, nor shall I think it necessary to trouble you longer on the present occasion. His late Majesty George 3rd, did not think that he stooped from his august position, or adopted a truckling and unbecoming tone when he received Mr. King, the first American minister, who represented the revolted subjects of the Monarch at the court of the Sovereign whose allegiance they had thrown off. It was a most delicate meeting for both parties, the more especially as it was well known that the Sovereign had held fast by those provinces until they were wrested from his royal grasp. Upon that occasion the Sovereign did not think it either cunning, or truckling, or wheedling conduct, to give the Minister a most courteous reception, and he did so for the purpose of promoting the reconcilement which had just taken place, of cementing the friendship which had just been restored. That was the conduct of the Sovereign— it was worthy of all imitation. He told the American that he was the last man in his dominions to recognize the independence of America; but he added that there was no man in his dominions who wished better to that independence, or was more anxious for the prosperity of the republic. This noble conduct of the Sovereign was after the cessation of the war; so also was the speech of Lord Ashburton after the negotiations had been concluded. My Lords, I fervently breathe the same prayer to which my late Sovereign gave expression upon that memorable day. I hope and trust, for the sake of America first, for the sake of England next, for the sake of humanity, of mankind at large, that the establishment of the republic and the prosperity and the happiness of that great people, who are descended from common ancestors with ourselves, may be perpetuated for ever! I cannot view with indifference that magnificent empire which Englishmen have erected on the Western Ocean; my heart glows when I reflect that it is from England that America derives all that is valuable in her laws, her institutions, her letters; but, above all, am I gratified when I reflect that it was from us she inherited that spirit of liberty — religious as well as civil, which has made her republic the greatest democratic nation which ever held existence on the face of the earth. Contemplated by itself there is enough to make the heart leap with hope and admiration; but it is necessary in order fully to estimate the blessings which she enjoys, that we compare and contrast her condition with that of other settlements; in other parts of the same continent — in countries enjoying all the gifts of nature, but gifts rendered useless by the want of the great blessings of social existence. Look, my Lords, at the condition of South America, a region blessed by Providence above all others in the boundless resources of nature; with a climate varying from the mild to the torrid through every degree of temperature; with a soil that pours into the lap of man the richest produce in unmeasured profusion, scents the air with every spicy perfume, and for its mineral wealth proverbially surpassing all the earth besides; and peopled by tribes that embrace the industry of the negro, the swiftness of the Indian, the practised ability of the European; all this abundance has failed to produce the peace that should spring from plenty—has failed to prevent civil broils and perpetual anarchy from becoming the ordinary condition of those boundless regions; and has failed because Spain could not send over to the new world the far greater treasures of good laws, wise institutions—the inestimable treasures of civil and religious freedom. Turn now to the north, where men, but they were Englishmen, had to struggle with a bad climate and an ungrateful soil. Their numbers, small at first, gradually extended themselves—spreading far and near, till they erected a system of free government, which has proved capable of resisting every tempest; and, finally, outrode the revolutionary storm in which so much of the European commonwealth had suffered shipwreck. Wherefore do I draw this contrast? Because I wish to direct the attention of the House to the fact that the Spaniard had not brought out to South America the blessings of a free constitution; therefore did the United States surpass the other portion of the American continent in all that constitutes social and political greatness. If, for a moment, a passing cloud has passed over the American name, by a departure from the high feeling of rigid commercial honour and perfect good faith, I yet entertain no more doubt than I do that I now stand on this floor addressing your Lordships, that the cloud will quickly disappear, and that the free citizens of America will proudly and gloriously resume once more those principles and that practice, from which neither nations nor individuals can safely depart, and on which alone the purity of national honour, with the security of national prosperity, can permanently rest. My Lords, I have done; I feel that I have trespassed upon your Lordships' indulgence for an unpardonable length of time, but I also feel that I could not within a less compass have discharged the important duty which I had voluntarily undertaken. I move you to resolve;—

"That this House doth approve the conduct of the late negotiation with the United States; doth rejoice in the terms, alike advantageous and honourable to both parties, upon which the treaty has been concluded; and doth express its high sense of the ability with which the Lord Ashburton, the Minister sent to treat with the United States, executed his commission, and its satisfaction at the restoration of a good understanding, which it is alike the duty and the interest of both countries to maintain unbroken."

The Duke of *Cambridge* begged leave to detain their Lordships for two minutes, that he might express to them how heartily he concurred in the motion that had been so ably made by the noble and learned Baron. He should feel that he did wrong if he did not express how much benefit the noble Lord (Lord Ashburton) had done his country by the successful termination of this treaty. He in the station which he had filled abroad, had himself had some experience of what were called boundary treaties; for in the country over which he had had to preside, there had been differences on the subject of the demarcation of boundary with almost every neighbour state. He had therefore some knowledge of the great difficulty that attended the adjustment of such differences. He had the satisfaction, however, of knowing that all those differences had been settled when he left the country. He knew, also, the great importance of a judicious selection of a negotiator, and how very necessary it was that the individual chosen should be of a conciliatory character. It was impossible, he believed, that on the present occasion a better choice could have been made. No man could have been selected better qualified for the mission. And, considering the age of the noble Lord (Lord Ashburton), he thought that the noble Lord deserved the highest credit for undertaking so difficult a negotiation; and in the manner in which he had conducted it he had shown himself attached to the best interests of his country, and ready to make every sacrifice for the promotion of those interests. It was impossible that any man should look upon the noble Lord with any feeling but that of respect, and he felt at the same time, that he was called on to do justice to the manner in which the noble and learned Lord had brought forward this motion. Should that motion go to a division, he (the Duke of Cambridge) hoped it would be carried by a very large majority.

The Marquess of *Lansdowne*, before he proceeded to address their Lordships, wished to be informed whether this motion had been brought forward in connection with the Government?

The Earl of *Aberdeen*: There is not the least connection between the motion and the Ministry; but the motion will have their support.

The Marquess of *Lansdowne* said, that having obtained the answer to which he thought he was entitled, the more so as the noble Earl well knew that this motion was a very unusual one to proceed from any one not immediately connected with her Majesty's Government, he felt that the House would expect some remarks in justification of their votes from those who felt it to be their duty to withhold their concurrence from this motion. The noble and learned Lord had consumed considerable time, profitably, no doubt, in making a most unusual motion, which he had introduced by a speech of great—from, any other individual he would have called it—of singular eloquence, embracing a vast variety of topics. It appeared, however, from the answer of the noble Earl, that a less expenditure of eloquence on the part of his noble and learned Friend would have been sufficient to prevail on her Majesty's Ministers to accept the diplomatic laurels which his noble and learned Friend was so eager to cast upon them. Nevertheless, the noble and learned Baron had not made it apparent that this deviation from the ordinary Parliamentary course was called for by any particular necessity. It had hitherto been deemed more consistent with the wisdom of Parliament, that all motions for public thanks should be left to the Government, and that they should not be decided with reference to the feelings of individuals, but by the feeling of the public at large, whether such a course should be followed after any great public transactions. For diplomatic services it was quite unusual to call upon Parliament for a vote like that now proposed. He might go through one treaty after another to show that such a proceeding had not been deemed necessary in former times, but he would not fatigue their Lordships. He would only mention one or two cases. He would take one that seemed to bear some analogy to the treaty to which their attention was now immediately directed. He meant the first treaty after the war of independence with the United States of America. Differences arose on an infinite variety of subjects, and after they had accumulated for years, these differences were adjusted in 1795, by a treaty negotiated in London by a noble Friend of his, now no more, Lord Grenville, of whom he could never speak without emotion and respect. That treaty embraced no less than twenty-eight articles, bearing upon every subject that could arise between the two countries. No demand had then been made on their Lordships to go out of their usual course in order to thank Lord Grenville. No, Lord Grenville was content to rest on the general approbation of his country. He would refer to another case, of a somewhat similar character. Lord Palmerston brought about the solution of great difficulties, occasioned by the transactions that followed—he would not call it the revolution, but he would call it the event which placed the present dynasty on the French throne. Great difficulties arose with respect to Belgium; but, by a bold and successful course of negotiation, those difficulties were brought to a conclusion in 1832. Though that treaty had not been universally approved of, for it was attacked in both Houses of Parliament, yet it completely gained its object, the preservation of the peace of Europe. Sinister opinions were not wanting then, that in six months or less the event he had referred to would lead to a general war; but the experience of ten years had proved the wisdom of his noble Friend's negotiation. Their Lordships might depend upon it it was not wise to depart from a course which Parliament had adopted from the experience of centuries. Upon this ground alone (continued the noble Marquess) I feel it will be impossible for me to concur in the motion which has been submitted by my noble and learned Friend. I feel that by agreeing to this motion we should be introducing a most inconvenient practice, and that before many years could elapse, her Majesty's present Government or any Government which might succeed them, would deeply regret the establishment of such a precedent. I might stop at this point, because I think I am warranted in calling upon your Lordships not to depart from the usual course of proceeding upon similar occasions, in the absolute absence of any proof that it is either necessary or expedient to do so. I do not call upon the House to negative the motion, because I am anxious not to pass anything like a condemnation on the treaty, which, for reasons I shall presently state, it would not consist with my views to condemn. If, however, I were to stop here, it might be supposed that I was shrinking from making a declaration of my opinions as to those particular parts of the treaty which I think are obnoxious to more or less criticism, if not condemnation; and therefore, I will, without entering into further detail than is necessary to elucidate my opinions, I will proceed to state what portions of the treaty I approve of, and what portions I disapprove of. But first, a few words with respect to the individual whom the noble Lords opposite sent on a special mission to negociate the treaty in question. I have always considered that noble Lord as my Friend through a great many years of our respective lives, and what I know of him in that capacity imposes on me the duty of declaring in his absence—a duty which I have the greatest pleasure in discharging —that no person could be found who, from his great natural and acquired talents —from his many amiable and estimable qualities, and from a facility of intercourse which he possesses in a greater degree than most men, and which wins for him the good will and confidence of all those with whom he comes in contact, could be better qualified for the discharge of the particular duty which was assigned to him, or, indeed, for discharging the duties of any civil office whatever, which he might be willing to undertake. I say, also, that my noble Friend's connection with America formed no disqualification for the office of negotiator between the two countries; for of this I am sure, that there is no man in existence, on either side of the Atlantic, less likely to be influenced by any selfish considerations than my noble Friend. I think it was quite unnecessary for my noble Friend to defend himself from imputations pointing in that direction, if such imputations have been made. Entertaining those opinions of my noble Friend, and not yielding to any noble Lord opposite, in a sincere desire to establish and maintain a good understanding with the United States, I nevertheless cannot shut my eyes to what I conceive to be the disadvantages, as well as the advantages of the treaty which has been brought under the consideration of this House. My noble and learned Friend seems to think that a disposition exists to withhold praise, where praise is due; but I declare, for my own part, that I have no wish to see in this treaty anything that is not worthy of praise. When I first heard of the treaty—being then out of the country—my first feeling was one of unbounded satisfaction, and I was disposed to acquiesce in all its provisions as far as I then could collect them. When, however, I came to look into the details of the treaty, and considered them in connection with the correspondence which has been published, while I still think that some parts of the treaty have been ably, wisely, and judiciously negotiated, there are other parts with respect to which I entertain a different opinion, and to those parts I felt it my duty to advert on the first day of the Session. I do not hesitate to admit at once that the case of the Caroline has been successfully disposed of. I must here do justice to the American government, by observing that the representations which they made with regard to this question—that the law of America was totally defective as to the means of redressing the wrong done to this country in the case of the Caroline and Mr. Macleod—were founded on no opinions then for the first time adopted. From the commencement of the negotiations which were entered upon by Lord Palmerston and Mr. Fox, the American minister uniformly declared that the federal government possessed no power to do justice in the case, and acknowledged that it would be necessary, both from regard to their own dignity, as well as the interests of other countries, to effect such an alteration of the constitution of the States as should prevent outrages of a similar kind from being taken cognizance of by the departmental courts, over which the federal government has no control. I do not quarrel with what has been done in the case of the Creole, and though doubts have been expressed with respect to the wording of the treaty on this point, I will content myself with expressing a hope that the question has been permanently settled. I now proceed to notice two or three parts of the treaty, with respect to which, though my opinion may differ from that of the majority of the House, I cannot join in expressing a degree of satisfaction amounting to joy. I will first advert to the case of Madawaska, which my noble and learned Friend connected with the award made by the King of Holland. My noble and learned Friend stated that we accepted that award with joy and satisfaction. This is new to me. I always understood that we accepted the award under positive compulsion, because we were bound to accept it. The award was not proposed by Lord Palmerston. Lord Palmerston found the award on coming into office; he looked at the treaty, and found by the first article that the two parties were bound to adhere to the award. The British Government, therefore, had no alternative, but to agree to the award. The Americans, also, ought to have had no alternative but to agree to it; but they got out of the obligation by what I must be permitted to call a subterfuge, which I should be sorry to see the British

Government have recourse to. The British Government employed no subterfuge. They did not say that they liked the award; but they said that good faith required them to adhere to it. The Americans, however, availed themselves of a subterfuge, and the King of the Netherlands was bound to find for the claims of one or the other party, and not compromise them, the Americans said they were not bound by the award. There was an end of the arbitration and the British Government was at perfect liberty to enter into negotiations with America upon a totally different footing from that upon which former negotiations rested. They might either attempt to ascertain the line which was fixed by the treaty of 1793, or, failing that, could contend for such a line as they considered most advantageous. But, now, with respect to the Madawaska case, I think it was creditable to Lord Ashburton, and noble Lords opposite, to consider the interests and feelings of the inhabitants of that district. My noble and learned Friend who touched upon this point, about the middle of his speech, appeared to me to treat the interests of these persons somewhat lightly. He stated that they were of French origin, which is perfectly correct and that they had emigrated —that, I believe, was his phrase—from under the protection of our Government to the spot where they were located. I am not aware that those persons ever conducted themselves in a disreputable manner: if they had done so, it must have been known to the noble Earl opposite (the Earl of Aberdeen), and, under those circumstances, he could not have instructed Lord Ashburton to speak of them as he has done in his correspondence with the American government. I presume that Lord Ashburton acted in strict conformity with the instructions he received from the Government. Here I cannot avoid remarking, as a curious circumstance, that, although the papers on the Table of the House contain all the instructions which Lord Palmerston gave to Mr. Fox, they do not, with the exception of the instruction relative to the right of visit, which the noble Earl communicated at my request the other day, include any of the noble Earl's instructions to Lord Ashburton. No doubt, Lord Ashburton had instructions, and, as I presume he acted strictly in conformity with them, I am compelled to collect what his instructions were from the conduct which he pursued. If my noble and learned Friend thinks it absurd and injurious to the interests of peace to attach importance to the Madawaska case, it is not I, but the noble Earl opposite, and the negotiator appointed by the Government, who have done so. I call upon your Lordships to look at Lord Ashburton's first letter, in which he states the various points which he was prepared to concede, and those as to which he was resolved to offer determined resistance. This despatch was evidently framed on the principle—I do not stop to inquire whether it were right or wrong—of stating his ultimatum at the outset. Lord Ashburton, speaking from the instructions of the Government says:—

> "There would be evident hardship, I might say cruelty, in separating this now happy and contented village, to say nothing of the bickerings and probable collisions likely to arise from taking in this spot the precise line of the river which would, under other circumstances, satisfy us. Indeed, I should consider that such a separation of these industrious settlers, by placing them under separate laws and governments, a most harsh proceeding, and that we should thereby abandon the great object we should have in view of the happiness and convenience of the people, and the fixing a boundary the least likely to occasion future strife. I dwell on this circumstance at some length, in justification of the necessity I am under of departing to this inconsiderable extent from the marked line of the river St. John. What line should be taken to cover this difficulty I shall have to consider with you, but I cannot in any case abandon the obvious interests of these people."

In conclusion, Lord Ashburton says:—

> "It must be sufficiently evident, that I have not treated the subject in the ordinary form for a bargain, where the party making the proposal leaves himself something to give up."

By using such language Lord Ashburton distinctly implied that this was one of the points on which he insisted, and would, under no circumstances, abandon. My noble and learned Friend, in one part of his speech, alluded to the ignominy, as I think he called it, of making remonstrances, and allowing them to be disregraded. I will not apply the term ignominy to the conduct of Lord Ashburton and the Government, in the case of Madawaska; but I must say I do not think it a very creditable proceeding on the part of a Government, not on a question of mere trade and commerce but on a question of honour, involving an act of cruelty to persons who have lived under our sway, to make such solemn declarations as Lord Ashburton did on this very point, and then to abandon them without any sufficient cause being apparent. But this is not all. Lord Ashburton having advanced the reasons which I have read to the House, for retaining the inhabitants of Madawaska under the British dominion, subsequently addressed Mr. Webster in the following terms:—

> "It is sufficiently explained in my plan for a settlement, why I was anxious not to divide, in two parts, by our new line of boundary, the Madawaska settlements; and I am sorry to say, that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions."

His Lordship then proceeds to say, in the most precise and emphatic language:—

> "This strip I have no power to give up, and I beg to add, that the refusal of my Government is founded simply on their objection to dispose arbitrarily of the persons and property of her Majesty's subjects living by preference under her authority, an objection which you are sensible applies with peculiar force to the inhabitants of this part of New Brunswick."

[The Earl of *Aberdeen*; What page?] In page 25. It is clear that, according to Lord Ashburton's original instructions, the retention of Madawaska was a *sine qua non*. Yet the territory was at length given up to America on no other ground than an allegation on the part of Mr. Webster, which was contradicted by the petition of the inhabitants themselves, that they did not wish to remain subject to the authority of the British Government. It appears to me that Lord Ashburton had no sufficient reason to depart from the resolution which he solemnly declared in his despatch should be binding on him. I will now proceed to another point. My noble and learned Friend said that the award of the King of Holland gave us less than we have obtained under the treaty of Washington. I cannot altogether concur in that opinion. It appears to me that immense advantages have been conceded to America by the treaty, no one of which she could have obtained under the award of the King of Holland, unless the British Government had thought proper to concede it. The treaty opens the navigation of the St. John to the Americans. Let it not be supposed that I quarrel with this. I am a friend to the free navigation of rivers all over the world. I think it would be wise policy for all governments to enter upon negotiations, in order to make the navigation of all rivers free from their source to their mouth. Still I cannot help thinking that by opening the navigation of the St. John we have conceded a great boon to America. By that arrangement American timber will be brought duty free into this country, and the importation of American corn, upon the same terms, will probably soon follow. Many of your Lordships, I think, will be of opinion that that is a considerable boon to America, and some of you, perhaps, may not deem it quite so unobjectionable as I do. Well, this being a boon, it was something to bargain for, and we might have got some equivalent for it. But this is not all. The Sugar island and St. George's island have also been ceded to America. Now neither of these cessions were included in the King of Holland's award. Again, we have given up, beyond Lake Superior, many millions of acres, which were not comprised in the award, and which contain a rich mineral field that must hereafter prove of the greatest value to America. Why did we not insist upon retaining Madawaska as an equivalent for these concessions? But if we consented to abandon Madawaska we removed the only objection which, according to the testimony of those who have visited the country, existed to making the St. John the boundary between the British and the American territories. Even that boundary would have been most advantageous to the United States; for though each country would have got an immense tract of the disputed territory, that obtained by America would have been the most populous and fertile, whilst that which we should have acquired would have derived its value from the facilities it affords of defending the two Canadas. This, however, is a consideration which my noble and learned Friend —I say it with great respect—is not capable of appreciating; for I remember that a few years ago my noble and learned Friend stated emphatically, in this House, that the Canadas were worth nothing to this country in a national point of view, and that the only question to be considered was, how he could best get rid of them. That being my noble and learned Friend's opinion, he is not likely to criticise severely the abandonment of any portion of territory which derives its importance from being a means of defence for Canada. Those, however, who think that Canada ought to be defended, will take a different view of the question, and I doubt whether my noble and learned Friend, with all his eloquence, would be able to convince the noble Duke opposite that Canada, in a national point of view, is worth nothing to this country. I think that we ought to have insisted on having the St. John for the boundary, as an equivalent for giving up the Sugar Island, St. George's Island, and some millions of acres besides, in addition to the outlets at Champlain Lake, and the territory immediately adjoining thereto. I know that Rouse's Point would have fallen to America under the King of Holland's award, but in addition to that, we have, under the Washington treaty, given a district of some hundreds of miles to Amercia, and I have seen a report made by some engineers to the government at Washington, in which it is stated, that the outlets of Lake Champlain, and the territory adjoining, are a most important acquisition to America, affording, as they do, the means of making an aggressive movement on Canada. These are all points which, in my opinion, have not been adjusted in such a manner as to call for any particular expression of joy. There remains another question which my noble and learned Friend touched upon, and which will probably be discussed by others who can bring a greater amount of knowledge of international law to bear upon it than I can boast of being possessed of. I allude to the question of the right of visit; and after the recent message of the President of the United States, I cannot think that that question has been placed on a satisfactory footing. I entirely acquit the noble Earl opposite of any blame on this head. I think the noble Earl's letter of December, 1841, contains a sound, clear, and dispassionate exposition of international law on this subject. Whatever construction may be put on the article in the Washington treaty, I trust the noble Earl may persevere in claiming for this country the right to visit all vessels for the purpose of seeing whether the flag they bear is genuine or not. If instructions to that effect are given it will bring the point to issue. But till then—till I know what practical measures have been taken, I cannot consider the question to be placed on a satisfactory footing. I am, indeed, at a loss to know how the case really stands. I can find nothing on the subject in the treaty, for the 8th article refers only to the employment of American men-of-war to suppress the slave-trade. My noble and learned Friend has said, on the authority of Lord Ashburton, that the general opinion in America is in favour of our exercising the right of visit; but that it is clear is not the interpretation put on the treaty by the first authority in the United States. The President very magnanimously says that the right exists in the Government of Great Britain; but this is much like the concession formerly granted to the kings of England of being kings also of France—provided only they do not exercise the right. It is plain that the people of America do not wish nor expect us to exercise the right of visit. And yet it is a right which, if not exercised, goes for nothing. The principle is worthless; it is only the practice which can make it available for any good. And if my noble Friend (the Earl of Aberdeen) does not issue instructions for enforcing this right, I believe that we may give up our labours for the suppression of the slave-trade. But I do not believe that my noble Friend means to withhold such instructions. I think it a great object for securing that good understanding so essential to the good feeling between the two countries, that it should be known in America as it is here, that our cruizers, whenever they meet the American flag, should have the power, when they see just cause of suspicion (I ask only these terms), to stop the vessel for the purpose of searching it.

Lord *Brougham*: Not when they have a suspicion of the American vessel being a slave trader, but of her carrying a fictitious flag.

The Marquess of *Lansdowne*: Yes, I rest the grounds of a right of search on a suspicion of the genuineness of the flag which is carried. And, until I see the President admitting that he considers such a suspicion a sufficient justification for the right of search, I cannot see that the disposition of men to peace and good will will be much promoted by this negotiation; and though I sincerely trust that nothing will occur to disturb the good understanding between the two countries, I do not know that there is anything so likely to disturb it as a confused understanding of this important right in America and England. If our cruisers go forth, not with any discretion vested in their commanders, but with positive instructions to stop a suspicious flag under the circumstances I have stated, and if there prevail in America an opinion that no such right exists, that no such instructions have been given, and that, consequently, our cruisers in stopping American vessels are committing acts of piracy, they must consider such a proceeding an usurpation open to just remonstrance from the country to which they belong. Therefore I must say, that my noble Friend does not appear to have cleared up a difficulty, on which he states he found a strong opinion prevailing in the States.

Lord *Brougham:* The President admits the right.

Lord *Campbell*: Yes, he apparently does so, but he contradicts that assertion subsequently.

Lord *Brougham:* No, it is a distinct admission.

The Marquess of *Lansdowne:* I am sure, my Lords, I am loth to stop that encounter of legal research and ability which you will have much more pleasure in listening to than to any remarks of mine; but I trust my noble and learned Friends will allow me to express once more my strong conviction that there is not now, whatever there may be hereafter, any prospect of arriving at a clear understanding of this most important matter. I have now gone through the whole of my objections to this treaty. To secure a good understanding between the two countries —to guard against future differences—to maintain those relations of amity and commerce, the limits of which it is impossible to describe, but which, if uninterrupted by discussions of an angry nature, must redound to the prosperity of both countries; to such objects of the treaty I readily subscribe with an ardent wish (notwithstanding the objections I have stated to it) that it may prove successful. If it should so prove successful, I shall be the first to congratulate the noble Lords opposite and my noble Friend who undertook this mission. Not that I doubt the sincerity of the first, or the activity of the last, to bring about a desirable settlement of the differences which existed; but the observations I have made were prompted by the duty which I felt to arise on a perusal of the papers before your Lordships. I have stated again and again, I believe, in this House, but certainly out of this House, and before my noble and learned Friend gave notice of this motion, that this treaty was one which I was not prepared to condemn. I speak in the hearing of those, and who know I entertained such opinions. The treaty is one to the object of which I wish well, but when I am called on to say that I absolutely rejoice at the terms in which it is concluded, I must say that in some of those terms I cannot "rejoice," and as I do not wish indirectly to condemn it, instead of saying "not content," I shall satisfy myself by moving, that this House do now adjourn."

The Earl of *Aberdeen:* It is undoubtedly true, as stated by the noble Marquess, that the course which has been pursued by my noble and learned Friend, is one of a very unusual nature, and the noble Marquess intimated an opinion, that in so doing my noble and learned Friend assumed to himself an office which would be more properly discharged by the Government. Now, however, this may be, I cannot help thinking that my noble Friend not now present, who is the object of this motion, will feel as highly, and appreciate as duly, your Lordships' thanks when moved by a noble Lord unconnected with any party in this House, and moved, too, with that power, eloquence, and ability which are not possessed by any Member of this assembly, as if those thanks had been proposed by a Member of the Government. The noble Marquess must not suppose, that because the Government may have been disposed to follow the ordinary course, and to have abstained from originating any motion of this description, that they were, therefore, indifferent to the services of the noble Lord, or insensible to the debt which this country owes him for his exertions. My Lords, though the motion may be thought unusual, the manner in which my noble Friend has been animadverted upon (I do not mean on this occasion, or in this House), has certainly been of an unusual character. Formerly it was the custom to attack the Government for the acts of the agent whom it employed. On this occasion we heard of nothing but criticisms of the acts of my noble Friend, not from the noble Marquess, but he knows that they have been publicly circulated, and that they proceeded from quarters which it was generally understood spoke sentiments which might be expected to be pronounced in the Legislature, and not to be commucated through those organs to which I have referred. My Lords, whatever these critics may say, her Majesty's Ministers are responsible for the acts of the noble Lord, and we are ready and willing to take on ourselves that responsibility. Amongst those servants of her Majesty I am prominently responsible; for the noble Lord did not go to America without instructions on all the points which he negotiated. Those instructions, whether right or wrong, were full and precise on every point; and I must say, that I had every reason to believe, not only that my noble Friend was eminently qualified to discharge the duties imposed on him, but it is my belief (and I am confirmed in that belief by those in the United States best qualified to judge) that there is probably no other man in England who would have succeeded in obtaining the terms of the treaty now on your Lordships' Table. It happens but too often, that we not only show little gratitude to those who have extricated us from difficulties and danger, but we forget the very existence of the apprehensions from which we have been freed. Now I request your Lordships to call to mind the state of feeling which prevailed at the period of the departure of my noble Friend. I am more able than most of your Lordships fully to estimate what our position then was. It was well known to the public, that every mail was then looked for with anxiety, for it might have brought intelligence, which would put an end to anything like friendly relations between the two countries. Numerous subjects of controversy had arisen, which were then aggravated by the course of time, and the manner in which they had been treated. I would ask any of your Lordships, could he be sanguine enough when my noble Friend left this country to hope that he would have succeeded in obtaining the boundary awarded by the King of the Netherlands? Recollect, that for ten years it had been steadily refused by the United States, and no man expected that award to be adopted by them. The noble Marquess, it is true, denied the position of my noble and learned Friend, that the late Government had accepted readily and with satisfaction the award so made by the King of the Netherlands. Possibly they did not; but at least it was accepted by them, and not only accepted, but when rejected by the United States, it was for three or four years perseveringly pressed on the acceptance of the United States by the noble Lords opposite. If this award is very objectionable, as the noble Marquess now seems to think, why did not the Government, of which the noble Marquess was a Member, when the United States declined to be bound by it, express their disapprobation of it; and why did they, on the contrary, use every exertion to induce the United States to accept it? The noble Marquess says, that that award sacrificed the Madawaska settlement, and not being bound by or approving of it, he holds himself at liberty to claim that portion of the territory which has now been ceded. But I beg to remind the noble Marquess, that he was himself a party to the voluntary cession of this very Madawaska territory. What took place in 1835, after the award of the King of the Netherlands had been departed from? The Government of that day proposed a new line to the States, which would have made precisely the same cession of territory as that which has now taken place. They proposed by the boundary of the St. John to divide the Madawaska settlement; and had that been accepted by the States, we should have ceded precisely that territory now given up by the treaty. I am sure your Lordships will bear with me while I shortly explain what the Madawaska settlement is. It consists of a population of 4,000 persons, 3,000 of whom are situated on the north of the St. John—these we have retained. About 1,000 are located on the south of the river, and these we have ceded to the United States. And this was the portion which was offered to be ceded in 1835, when the proposition was made through Sir C. Bagot. The noble Marquess stated, that my noble Friend avowed that he had not "power" to cede this territory. Now, see what he says in his despatch:—

> "At the same time you will have seen, that I was sensible that some good reason should be assigned, why we should not be satisfied with what you justly term the otherwise perfect boundary of the St. John. In your reply you recognise the difficulties of the case and do justice to our motives; but you state distincly on the part of your Government, that you can consent to no line which should bring us over the St. John, without some equivalent of territory to be found out of the limits of that part which is in dispute, and you refer, more particularly to a certain strip lying between the north line and the river."

Now, the noble Marquess inferred from this, that it was the Madawaska settlement which my noble Friend said he had no power to give up; but this is quite a mistake. "The strip" refers to a part of New Brunswick, which was no part of the disputed territory, and which has always been and then was in the possession of the Crown. When, then, it was proposed, that in lieu of the north line through St. Croix, some portion of the territory south of the St. John should be ceded, my noble Friend said, that constituted no part of the disputed country, and that the inhabitants manifested a strong desire not to abandon the dominion of her Majesty. The terms of the boundary proposed by the King of the Netherlands, such as they were, the former Government accepted and maintained. That award was founded on what had taken place before the accession of the late Government to office. It was submitted when I was in office, twelve years ago, under my superintendence, and when I left office I thought this boundary question was settled or about to be settled very speedily. I certainly thought, that the award of the King of the Netherlands was final on both parties. I left the question submitted to one sovereign, when I returned to office, I found it had been proposed to submit it to three sovereigns, and in the month of August, 1841, a very few days before the change of Government, a *contre projet* was sent to the United States, after refusing all conditions which authorised Mr. Fox to call for the adjudication of three sovereigns. Therefore the question, so far from having been advanced by ten years of wrangling, was actually much further removed from settlement than when I quitted office. And the position in which we were placed was very different indeed from that in which we were when we submitted the question to the decision of the King of the Netherlands. In fact, the population of the United States had advanced on our possessions. It was very difficult to expel those who had occupied the country; and as my noble and learned Friend accurately stated, a fort was built on the spot, where, ten years previously, jurisdiction was exercised by this country. The noble Marquess talked of the military defence of Canada. No doubt, this was a most important point in fixing the boundary, and we were bound to take pains to satisfy ourselves that any cession which was made was not incompatible with the military security of Canada, and the communication which was necessary to be kept open. But apart from military security, the amount of territory is a matter of comparative indifference, and though I am not indifferent to the possession of territory, that must be given up to obtain security. The boundary we have actually obtained, is to all intents and purposes equal to the St. John for a military defence, for all the heights between the St. John and St. Lawrence are ceded to us. That is the important consideration, and not extent of territory. In swelling the charges against my noble Friend, the noble Marquess dealt somewhat in exaggeration; for he said we have ceded Sugar Island and St. George's Island. Now, the two happen to be one, and instead of consisting of 25,000 acres, it does not exceed 1,000. The noble Marquess then referred to the eighth article of the treaty, by which he contended that we had taken a retrograde step as regarded the final abolition of the slave-trade. Now, my Lords, I confess, though I always thought it the greatest object of this country to obtain a mutual right of search, and on that point, this treaty, so far as it goes, is a very considerable advance towards the abolition of this traffic. It is a little unreasonable to blame my noble Friend for conceding such an article, when we know what has taken place; for though we always desired to obtain a mutual right of search, we have been prepared to accept precisely such an article as the present. The commissioners of Sierra Leone, in January, 1839, actually proposed that which is established by the article — namely, a joint plan of cruising on the coast of Africa, as most effectual for putting an end to the traffic; and what says Mr. Fox in his note of October 29th, 1839, by the direction of the Government at home:—

> "In conclusion, the undersigned has to state that it remains the settled conviction of the Government that the sure and effectual means of checking the slave-trade is by an agreement for the mutual exercise of the right of search by cruisers of the two nations; and the undersigned is instructed to urge this plan on your serious attention. As to obstacles, the Government is unwilling to anticipate any that can prevent the co-operation of the two Governments; and it has only to express an anxious hope that the Government of the United States will be able to devise some other effectual method of removing the progress of this sinful traffic."

We have put in execution, then, this very proposal; and I am certain that Mr. Fox would have been too happy to have obtained that article, which has been made the subject of criticism in the treaty of my noble Friend. It has been said, that this treaty is differently interpreted by the President of the United States. My noble and learned Friend has so fully stated his views as to the claims of this country, that it is unnecessary for me to follow him. But I do not think the noble Marquess quite correct in the statement he has made on this subject. Not only we made no claim to search, visit, or detain an American vessel, but we made no claim to search or detain any vessel, except such as we were allowed to search by virtue of our treaties. Therefore, when we visited an American vessel, it was not as an American vessel at all, but because we had reason to believe that it belonged to a state giving us permission to search it by treaty. Without such treaty, we have no right to visit any vessel whatever. This is the view which the President takes in his message. He argues, that we do not claim it as a perfect right. It is not such a right as all nations have in capturing pirates, but it is a right, the exercise of which is accorded by treaty. And it is because we have reason to believe, that a vessel belongs to a country with which we have a treaty, that we have any ground for visiting her with the view of ascertaining her nationality. Now, such being the nature of our pretensions, we shall adhere to them in spite of all opposition ; for, being founded in common sense and justice, it is impossible to recede from them. But I must say, I think the United States had reason to complain of the pretensions which were put forward at no very distant period, and of the manner in which they were enforced. And it is, I think, more owing to the recollection of what took place on those occasions than to anything which exists at present, that we are to trace the feeling which exists in the United States. Why, my Lords, it was only in the month of February, 1841, that the noble Lord then at the head of Foreign Affairs gave instructions to her Majesty's cruisers to abstain from capturing American vessels. Not visiting or searching, but actually capturing American vessels. So that up to that period, they had been in the habit of capturing American vessels believed to be slavers. On several occasions, the commissioners at Sierra Leone found great difficulty in adjusting differences when one party acted in this manner. It was very natural, therefore, that an impression should prevail in the United States that such proceedings were still possible, and on that account a good deal of excitement prevailed on this subject throughout the union. Before this right can be exercised, two things are necessary; first, that there is ground for suspecting, that the vessel is engaged in the slave-trade; and, next, that she belongs to one of those states the vessels of which we have, by treaty, a right to search. It is true, a mistake may be made. It is true, that we may imagine an American flag to be displayed for deceit, and that on visiting, we find the vessel to be *bonâ fide* American. If so, whatever reparation is due, ought to be made at once, and the Government will never be reluctant in such a case to afford such reparation as may be fit. We can do no more than admit that such vessels as are *bonâ fide* American are perfectly free from our jurisdiction. But, by this article, the Americans agree to send a squadron to the coast of Africa, which, as my noble Friend says, will practically settle the question. No doubt they will have no right to detain or search any but American vessels; and whether they cruise separately or with our squadron, of course they will search every vessel bearing the American flag. And no doubt those officers will, as they always do, when acting in company with the British navy, display the same zeal, activity, and cordiality, for the attainment of an object in which they are mutually interested. We have always found that to be so, and it will be the case, I am sure, in the present instance. I have heard it said, that we made another retrograde movement by a letter I addressed to the Lords of the Admiralty about a year ago, which had reference to the proceedings on the coast of Africa. Now, my Lords, having had statements from the law officers of the Crown, warning me that such proceedings could not be maintained by the law of nations, of course it was my duty to apprise the captains of our cruisers of such an intimation. To such an extent, and to that extent only, did that letter go. I should like to know, therefore, how it can be called a retrograde step, when I have just informed your Lordships that it was only in February, 1841, that the capture of American vessels was desisted from. Why was that done? It was evidently because we had discovered that to capture those vessels was contrary to the law of nations, and that we had no right to capture them. Such considerations induced me to write that letter. I did nothing else, except to encourage the meritorious exertions of our cruisers on those coasts. If it were possible to suppose that this country alone could effect the abolition of the slave-trade by its single exertions, we might deal with these questions more easily, but it is an undoubted fact that our only chance of effecting the abolition of that traffic is by the assistance of other countries. It is therefore, necessary, that in the execution of this duty we should do nothing to injure the rights of independent nations, or to violate public justice. Her Majesty's Government are disposed to do all in their power to effect this object, and I trust that so far from any retrograde step having been taken in this great cause, we have made a great advance, and that the very article of this treaty which has been found fault with will operate practically to give very important additional means of terminating this traffic. The noble and learned Lord has so fully exhausted this and every other part of this subject, that I do not think it necessary to detain your Lordships further at this hour of the night. My Lords, the present motion has been made by the noble and learned Lord entirely unconnected with her Majesty's Government, and it has been brought forward without their sanction; but having been made, we feel it our duty to give it a ready and a willing support.

Lord *Campbell* said, he was somewhat surprised at this extraordinary and unprecedented motion of his noble and learned Friend. He discovered, from the votes of the other House of Parliament, that a notice had been given on this subject, by a very distinguished Member of that assembly, who was now looked up to, he presumed, by his noble and learned Friend, as his political leader; but his noble and learned Friend was bolder than his leader, for the notice of motion in the other House was confined to approbation of the treaty for settling the north-eastern boundary, whilst his noble Friend called for the approbation of the House for the ability with which the whole of the negotiations were conducted, and required them to rejoice not merely in the treaty, but in all the terms of the treaty. Now he (Lord Campbell) would take it upon himself to say for the British people, that whilst they rejoiced in the treaty, they grieved at the terms of that treaty. No doubt the noble Lord had conducted these negotiations to the best of his ability, and with an anxious desire for the benefit of the country. He should consider it as great a calamity as could befall us, if any circumstances should bring on hostility between two nations, who should always recollect their common origin, their common language, and even their common institutions; for although, as his noble and learned Friend had said, the United States had no monarch, no bishops, and no nobility, still their institutions and our own bore a strong family resemblance. He agreed also with his noble and learned Friend that there was no imputation resting on Mr. Webster; it was not his duty to furnish materials to his opponent; he had conducted himself throughout with equal honour with our negotiator, and with far more ability. When our negotiator was opposed to Daniel Webster, he was greatly overmatched. He had read with some mortification and humility the despatches of the two negotiators, for Mr. Webster's showed infinitely more astuteness, judgment, and skill than the noble Lord's. In touching on the different points of this treaty, he would begin with the north-eastern boundary. His opinion was, that the line of demarcation was of much less importance than the various other topics which arose during the negotiation between the two countries; but when Lord Ashburton left this country, the general expectation certainly was, that this country would obtain a much better line than what was called the Dutch line, because, in consequence of the ignorance of the physical geography of the country at the time of that award, it was little favourable to us. If the maps produced by America were examined, they would be found to be mere delusions. They laid down rivers where no rivers flowed; they made mountains where there were only plains and morasses. When Lord Ashburton went out, better evidence had been obtained of our rights than we had previously possessed, and what he blamed that noble Lord for in this part of the negotiation was, that he began by putting himself out of court; he began by saying that the treaty of 1783 could not be executed, and that we could never find the north-west angle of Nova Scotia. Mr. Webster admitted no such thing. He said that there was no difficulty in finding the north-west angle or of executing that treaty; they had only to run a straight line due north from the source of the St. Croix till they found certain Highlands, which were his Highlands, and which, he said, were contemplated at the time of the treaty by Franklin and Oswald; and then, when they got to those Highlands, they were to go to the north-west branch of the Connecticut; and Mr. Webster said that America must make a concession if we had a foot of that land. Now, these Highlands had none of the conditions of the Highlands of the treaty; there were not rivers flowing on both sides, and when they went to the Connecticut they went south, and not north, as they ought to do by the treaty of 1783. The map of Franklin was, in his opinion, quite conclusive. If they assumed that the map now known to be in existence was the map, as he believed it was, which was referred to in the letter of Dr. Franklin, the negotiator of the treaty, to the Count De Vergennes, this was the very map on which the treaty was made; and, after the production of that map before any jury of Englishmen, there would not be the slightest doubt as to what was the true boundary. His noble and learned Friend admitted that they ought to settle a disputed boundary between nations precisely as they would settle it between private individuals, and he (Lord Campbell) agreed in that doctrine. Now, in this very Session, and in that House, there had been a cause arising out of a dispute relating to some land in the neighbourhood of Glasgow which had been granted many years ago. The question was whether the grant extended eight feet beyond a garden wall; there had been a map which was referred to during the negotiation between the parties for the grant; that map was neglected by the Court of Session; but when the case came to that House, he, who presided in the absence of the noble and learned Lord on the Woolsack, together with his noble and learned Friend (Lord Brougham), and his other noble and learned Friend (Lord Cottenham), all concurred in deciding, that as this map, although not referred to in the contract, had been used at the time of the contract by the parties negotiating it, it was to be taken as evidence of the boundary. Except that in the one case the line was red, and in the other it was black, the cases were precisely alike. Although he believed that the whole of the disputed territory belonged to England; although he believed that if more firmness had been shown, a better boundary would have been obtained, and better terms than proposed by the King of the Netherlands; and although we had now given up the navigation of the river St. John, which was not conceded at the time of that proposed settlement; and although, therefore, he could not rejoice in the terms, he could not condemn the treaty. He then came to another subject which had entered into these negotiations—the case of the Caroline. The negotiations upon this point were conducted with ability and with success, and he rejoiced that Lord Ashburton had refused to give way. The dispute relating to the Caroline arose whilst he had the honour to fill the office of Attorney-general, and he had never had the slightest doubt that we had a perfect right to cut out the Caroline from the shores of America; and he felt little regret that she had been sent down the Falls of Niagara. He found that the noble Lord had adopted the very argument and illustration he had used at that time. The noble Lord, in reply to Mr. Webster, said:—

> "If cannon are moving and setting up in a battery which can reach you, and are actually destroying life and property by their fire; if you have remonstrated for some time without effect, and see no prospect of relief, when begins your right to defend yourself, should you have no other means of doing so than by seizing your assailant on the verge of a neutral territory?"

In his opinion, it was just the same as if in a neutral territory a fortification were erected by the owner, who allowed his guns to be used and to be fired in our territory, slaughtering our men. There could be no doubt that we had a right to take possession of that fortress, and to level it to the ground. Firmness had been displayed by Lord Ashburton with regard to ths case of the Caroline, and he had succeeded. In that case the United States did what was very honourable to them—they allowed that the responsibility rested entirely on the Government of Great Britain. They admitted, that when an officer acting under the orders of his Government entered upon a belligerent expedition, he was not responsible, but the Government whose instructions he executed. He was glad that the United States had passed an act the necessity for which had been demonstrated by the case of M'Leod, to enable them to maintain amicable relations with foreign countries. So much for the case of the Caroline, in which he admitted the noble Lord had done justice to his country. When, however he (Lord Campbell) came to the case of the Creole, he was obliged to take a very different view of these negotiations. He doubted whether his noble and learned Friend (Lord Brougham), from the course of his daily avocations, sitting as a judge from ten to four, had had time to read the correspondence between Lord Ashburton and Mr. Webster with respect to the Creole. Was the case of the Creole settled? It remained unsettled to that hour. He deeply deplored, that when this question had been raised, it had not been met as it ought. We were now placed in a situation of great difficulty, and the noble Earl opposite either had, or would have points to settle, which he would hardly arrange without much difficulty. In the despatch of Mr. Webster, of the 1st August, 1842, he said,—

> "The facts in the particular case of the Creole are controverted; positive and officious interference by the colonial authorities to set the slaves free being alleged on one side, and denied on the other. It is not my present purpose to discuss this difference of opinion as to the evidence in this case, as it at present exists; because the rights of individuals having rendered necessary a more thorough and a judicial investigation of facts and circumstances attending the transaction, such investigation is understood to be now in progress, and its result, when known, will render me more able than at this moment to present to the British Government a full and accurate view of the whole case. But it is my purpose and my duty to invite your Lordship's attention to the general subject, and your serious consideration of some practical means of giving security to the coasting trade of the United States, against unlawful annoyance and interruption, along this part of their shore."

He (Lord Campbell) asked then, whether on the return of Lord Ashburton from America, the case of the Creole was settled? The noble Earl (Lord Aberdeen) appeared to assent to the statement that the whole question was undisposed of; and here, in order to illustrate his complaints, he must remind their Lordships that disputes had before arisen between this country and America, as to the liberation of slaves which came into our ports in vessels driven there by stress of weather. His noble and learned Friend (Lord Brougham) appeared to entertain a desire of palliating the conduct of the American government in their internal slave-trade, for the noble Lord had argued as if American ships entering the gulf of Florida had no slaves on board, that they had only black men forming part of the crew. [Lord Brougham had said, that there were no slaves going from one part of the United States to another.] Although America had abolished the external slave-trade, yet he regretted to say, with respect to the internal trade, that it remained in full activity; there were certain states in which the breeding of slaves was carried on, and they came through the gulf of Florida to be taken to the Carolinas, to be sold in the markets there. These cargoes of slaves did come into the gulf of Florida, and had been again and again driven by stress of weather into Bermuda and other English ports. Two cases of this kind occurred before the abolition of slavery in our own colonies, the cases of the Comet and the Encomium; the governor detained the slaves and liberated them. A demand was made on the English Government for compensation for this liberation. He was Attorney-general at that time, and after much reluctance he was bound to say, that compensation must be made, for whilst we ourselves, who still maintained slavery in our colonies, liberated American slaves which came to those colonies, we were bound to cause compensation to be given. But since that period slavery had been happily abolished in all our colonies; slavery existed now as little in Bermuda as in Middlesex. Afterwards, in the year 1836, the ship *Enterprise* was driven by stress of weather into Bermuda, and then the authorities of the colony had no option. It was precisely as if a vessel with a cargo of slaves came into Portsmouth, that they sued out a writ of *Habeas Corpus*, and were brought before his noble and learned Friend, the Chief Justice of the Court of Queen's Bench, who would be bound to liberate them. The Chief Justice of Bermuda was obliged to do the same thing, and accordingly he liberated the slaves. Compensation was claimed for those slaves by the American government, and he (Lord Campbell) as Attorney-general, came to the conclusion, that no compensation should be made. The slaves were no longer slaves; the moment they entered an English port, they were entitled to their freedom: it would be a trespass to detain them, they would be in the same situation as emigrants unlawfully imprisoned; and in the case of the *Enterprise* compensation was refused. For several years the American government acquiesced in that decision, and the general understanding between the two governments was, that no compensation could be made in such cases. Mr. Webster tried to get Lord Ashburton to admit, that compensation was due, or that a new law should be passed applicable to English ports, to recognise the slave-trade, and to enable the masters to take away their slaves. Mr. Webster entered into the general principle, he tried to show that the slaves ought not to be liberated, that the masters were wronged if they were so liberated, and that the American government had, in these cases, a right to demand compensation. The reasoning of Mr. Webster would have shown that the negro Somerset ought to have been kept captive by Lord Mansfield. But not only was the law of England as he (Lord Campbell) had laid it down, but it was the law of America also; for Professor Storey, one of the greatest ornaments of the United States, who had a greater reputation as a legal writer than any author this country could boast, since the days of Blackstone, said, that slavery was a local law, but that the moment the slave got beyond the limits of that local law, he had broken his chains, he had escaped from his prison, and from that moment he was free, and entitled to the protection of the law of the place in which he was. And Mr. Storey followed up this doctrine with sentiments which would have done credit to his noble and learned Friend (Lord Denman), who so worthily presided over the Court of Queen's Bench here, and who had ever proved himself a distinguished friend to the freedom of the human race. When an English port received a slave cargo, from that moment the whole of the individuals composing that cargo were entitled to their freedom. What, then, ought to have been the answer of our negotiator to such a demand? And, be it observed, that there was not the slightest difference in this respect between Bermuda and Portsmouth. He ought either to have refused to enter into this negotiation at all, or he ought to have asserted the high principle upon which the English Government had acted in the case of the *Enterprise*, and on which he (Lord Campbell) trusted the noble Earl opposite would continue to act. What, however, did Lord Ashburton do? He did not blame him, because he was not probably aware of the concession he was making, or of the principles which ought to have guided him. Instead of repudiating the demand, he said,—

> "For the reasons which I will state, this question had better be treated in London, where it will have a much increased chance of settlement, on terms likely to satisfy the interests of the United States."

The noble Lord was all acquiescence—he was willing to assist in the continuance of slavery, he desired that a law should be passed, in which in our colonies and in this country slavery should be legalised. He goes on to say:—

> "Although I really believe that much may be done to meet the wishes of your Government, the means of doing so would be best considered in London."

The noble Lord hands Mr. Webster over to the noble Earl, to contrive some means of keeping chains on the slaves when they were brought into this country. The noble Lord added—

> "Whatever I might attempt, would be more or less under the disadvantage of being fettered by apprehensions of responsibility, and I might thereby be kept within limits which my government at home might disregard. In other words, I believe you would have a better chance in this settlement with them, than with me. I state this after some imperfect endeavours by correspondence to come at satisfactory explanations. If I were in this instance treating of ordinary material interests, I should proceed with more confidence; but anxious as I unfeignedly am, that all questions likely to disturb future good understanding between us should be averted, I strongly recommend this question of the security of the Bahama Channel being referred for discussion in London."

The noble Lord entered into an understanding that instructions should be given to the British colonial governors to comply as far as possible with the wishes of Mr. Webster. [Lord *Brougham:* No such thing.] It was quite clear that his noble and learned Friend had not read the despatch, for he was entirely ignorant of its contents. [Lord *Brougham:* "hear."] The case was not new; it had already occurred in the Enterprise, and again and again the British Government had refused the demand of compensation. The papers upon the Table, therefore, showed a departure from the great principle on which our Government had uniformly acted; and a departure, he would venture to say from the law of England. He remembered that his noble and learned Friend, when at Paris, sent him a letter—not a private and confidential one, and he therefore supposed there was no reason for not mentioning it, upon this subject. It put this hypothetical case:—Suppose a foreign ship was in a harbour in a British colony, and a murder was committed on board, would the courts of that British colony take cognizance of that murder? Most undoubtedly they would; and the murderer would be convicted and executed. If a foreign vessel laden with slaves too, or worked by slaves, were driven by stress of weather into a port belonging to this country, the vessel might not be forfeited, but there could be no question that the human beings, as aliens, were entitled to their liberty. There could be no doubt also that if an affidavit were made in this country that any human beings were unjustly deprived of their liberty, the Court of Queen's Bench would grant a *habeas corpus*. Such was the case with the Canadian prisoners, who were brought before the present Lord Chief Justice, in whose favour Mr. Joseph Hume, the leader of his noble Friend (Lord Brougham) had made an affidavit. Such being the law of England, was it a law which ought to be altered? Certainly not. What then would be done? The noble Earl at the head of the Foreign Department would refuse the demand of Mr. Webster. He (Lord Campbell) deprecated any cause of quarrel between Great Britain and America, but if they were unfortunately to quarrel, could Great Britain have a holier cause than the refusal to give compensation for human beings liberated by the law of the land. Our conduct in such a case would be applauded by mankind, and would receive the blessings of heaven. He now came to the eighth article of the treaty, which involved the question of the right of visit and the right of search. To his utter astonishment his noble and learned Friend had said that he knew no distinction between the right of visit and the right of search. [Lord *Brougham:* I never said any such thing.] What would General Cass say to the position that there was no distinction between the right of visit and the right of search? He admitted that when General Cass was in Paris, he mixed himself up with the disputes between England and America most reprehensibly, but at the same time he (Lord Campbell) regretted that his noble Friend had thought proper to employ language towards that individual which would fly over all parts of the world. Let their Lordships consider what might be the consequences. General Cass might become President of the United States, and his noble and learned Friend (Lord Brougham) might become Prime Minister of this country. [Question, question.] He apprehended that he was speaking strictly to the question. He wished to know in what respect he was out of order.

[A *Noble Lord* said, that he had cried "question," when the supposition was stated that the noble Lord (Lord Brougham) might become Prime Minister of this country.]

Lord *Campbell:* There could be no breach of order in such a supposition whether it were possible or not. He did not think the event impossible, and when it did arrive—as far as eloquence and ability were concerned, England would never have a Minister of whom she could have better reason to be proud. But what might be the consequence if, at the same time, General Cass happened to be president of the United States? Might it not tend to the disturbance, at least, of the friendly relations between the two countries? He would return to the eighth article of the treaty, and would contend that the right of visit claimed by Great Britain was a perfect right, and that it subsisted by the law of nations. That right had been most admirably and convincingly defined and defended by the noble Earl opposite (Earl Aberdeen), in his two letters to Mr. Stevenson and Mr. Everett. The object of this right of visit was simply to ascertain the genuineness of the flag, and whether the ship was entitled to carry the colours she hoisted. That was an indispensable right, and it existed as much in time of peace as the right to search for arms, &c., existed in time of war. It had been denied by Mr. Stevenson, by Mr. Everett, and by Mr. President Tyler, and they relied upon a decision by Sir W. Scott, which they supposed shewed that there existed no right of visit without a convention. The fact, however, was, that Sir W. Scott's expressions all had reference, not to the right of visit, but to the right of search, detention, and condemnation. No such right, Sir W. Scott decided, existed in time of peace; but he had never decided that in time of peace there did not exist the right of visit for the purpose of determining the nationality of the flag displayed by a suspected vessel. There was not the slightest ground for denying that right, or for asserting that it was not a perfect right. What was said by the Americans on the point? President Tyler, in his first message, represented that England had set up a right entirely contrary to the law of nations, and that she had been obliged to abandon it. In his second message he persisted in denying the right of visit, and contended that it was a trespass. If it were a trespass, it was wrongful, and if wrongful, it might be resisted; if resisted, British sailors, in asserting it, might kill American citizens; and if they were carried to an American port, they might be tried and hanged for murder. This dispute still remained unsettled, between Great Britain and America; Great Britain maintained that it was a right, and America that it was a trespass. That it was a right, and a perfect right, he (Lord Campbell) entertained no more doubt than the noble Earl who had so ably and conclusively argued the question in his letters to Mr. Stevenson and Mr. Everett. He hoped that the noble Earl would persevere in this opinion, notwithstanding the assertion of America, that she was competent to avenge any insult upon her own flag, and that she did not require the interposition of Great Britain. It was quite evident that without this right of search it would be impossible to put an end to the slave-trade, and he would ask if this eighth article of the treaty was not retrogressive, and did not place this country in a worse position as regarded the extinction of slavery and the slave-trade? If so, was there any ground for the song of triumph which his noble Friend would raise, founded on the eighth article? If, indeed, America, had complied with the claim of the noble Earl, there might be some reason for rejoicing; but not only did America refuse to concede it, but the refusal had already had a most injurious effect upon our negotiations with other powers. It had afforded a strong motive to France, not only to refuse to ratify the last treaty, but to rescind those into which she had formerly entered. Another point related to the destruction of the barracoons, and it was understood that the noble Earl had desired that such attempts as that of Captain Denman were not to be repeated. [Lord *Denman:* "No, no."] He was glad to hear that such was not the case, because he considered that such gallant efforts were essential to the suppression of the slave-trade. While the subject of the 8th article was still in dispute, how could he or any noble Lord concur in the terms of the motion, that there had been a restoration of the good understanding between the two nations? The two nations were directly at issue, and it was not a question like that of the disputed boundary, which might be postponed for years, but it might lead to open hostilities in a single day. Had good-will then been re-established? There was another matter of dispute. Lord Ashburton had hardly quitted the shores of America, when a bill was introduced into the senate, asserting that the whole of the Oregon territory belonged to the United States. This question, of itself, might lead to the employment of a military force, and might, even shortly, bring about a war. The feeling in the United States was, that they had gained an advantage over this country; that Great Britain had yielded to the high tone assumed by the United States, and that if they continued to make demands in the same spirit, they would be followed by similar concession. On the whole, therefore, he thought that his noble Friend would have done better not to bring forward this motion, notwithstanding the notice given in the other House. It was entirely unprecedented, must produce an unpleasant discussion, and, perhaps, an angry feeling on the other side of the Atlantic. Why had his noble Friend introduced it, he could not imagine; but he was sure it was not for the sake of sneering at the noble Lord lately at the head of the Foreign Affairs of this country. At all events, nobody would join with his noble Friend in the sarcasms he had uttered against that great statesman; for every man who had marked his conduct during the last ten years, could not fail to entertain the highest opinion of his abilities, and of the success which had attended their exercise. Was there not the greatest danger of an European war, when his noble Friend (Lord Palmerston) assumed the office of Secretary for Foreign Affairs? And yet had he not, during the period of ten years that he held office, saved the country from that danger? Not a gun had been fired throughout Europe to disturb the public tranquillity. But his noble Friend had done even more than preserve the general peace; and he should have thought, that the service his noble Friend the late Foreign Secretary, had rendered towards the abolition of the slave-trade, might have propitiated his noble and learned Friend (Lord Brougham). Had not his noble Friend (Lord Palmerston) done more than any other man in Europe for the prevention and suppression of that inhuman traffic? His noble and learned Friend should have borne in mind that Lord Palmerston had preserved the influence of England in every part of the world. In Spain had not his conduct been most successful? Had he not by his energy and firmness saved Spain from the domination of France? There was no statesman to whom this country was more indebted than to his noble Friend (Lord Palmerston), and he could only wish that when the noble Earl opposite (the Earl of Aberdeen) should quit office, that he might leave the British name as much respected, and its influence as powerful abroad as he found them. If the noble Earl should be able to do this, then, in his opinion, the noble Earl would be entitled to be reckoned one of the greatest and most successful statesmen of whom his country could boast.

Lord *Colchester* considered the outcry raised upon those parts of the case which related to the right of search and of visit was by no means justified by facts, and he believed it to be made to suit other political purposes. He had been employed on the coast of Brazil, and had, on several occasions gone on board both American and French vessels to inspect their papers, and no complaints had ever been heard of by him. No doubt there was a difference between the right of search and the right of visit. The Secretary of State for Foreign Affairs had given up the first, but had very properly maintained the latter. He might boldly say, from considerable experience, that under ordinary circumstances a visit to a vessel for the purpose of verifying her papers would not delay the ship more than fifteen or twenty minutes. It appeared to him, that the 8th article of the treaty, so far from being a retrograde step, had improved our hopes of ultimately putting down the slave-trade. The great object for which Lord Ashburton was sent to the United States was to bring to a close the differences existing between those States and this country in a manner honourable and fair to both parties. His humble opinion was, that the noble Lord had completely succeeded in that object, and, therefore, he should cordially give his vote for the present motion.

Lord *Denman* would not trouble their Lordships with any lengthened observations. He joined in the expression of satisfaction which appeared to prevail on both sides of the House at the settlement of the important difference between the United State, and this country, more especially with respect to the boundary question and the question relating to the ship *Caroline*. So strong indeed was his desire, that those questions should be settled, that he was unwilling to enter into any inquiry at what price that great good had been obtained. There were, however, expressions used in one of the despatches of Lord Ashburton with regard to the instructions which he recommended the noble Earl at the head of Foreign Affairs to issue to the governors of our colonies with respect to the mode of executing the laws with reference to particular exigencies, in the use of which expressions he (Lord Denman) thought the noble Lord had gone further than any negotiator ought to go; because the laws must be executed according to their own exigency, and by their own authority. If any governor, under any instructions, were, for the sake of promoting any political or other purposes, to warp or distort the laws, that man would deserve to be impeached. He thought it therefore right to enter his protest against the expression used by Lord Ashburton, although he trusted it would not at all interfere with the settlement of the question relating to the slave-trade, upon principles perfectly satisfactory to all the world, or rather upon the principle which already existed with regard to our own laws, by which it was perfectly notorious, that the touching the English soil by the foot of a slave, emancipated him at once. He believed, however powerful any Ministry might be, however great their majority, however triumphant their success, they never would persuade either House of the British Parliament to alter the law in the slightest degree upon that important question. He could not refrain from alluding to an act on the part of the noble Earl which had been regarded in some degree as a retrogradation from the policy and principle adopted by this country in respect to the suppression of the slave-trade. A letter had been written by the noble Earl, which he (Lord Denman) had not been prepared to hear spoken of in the way in which it had been by the noble Earl. It seemed to him (Lord Denman) whether he looked at it as a question of injustice to an individual, or as a matter of importance to the public service, it became a question how far it was proper that such a letter should have been written. He, however, would not make it a question affecting merely an individual. He stood up for the liberty of mankind, for the natural rights which belonged to us all. He did not consider the abolition of the slave-trade as conferring any rights on us. He regarded the trade and system itself as an enormous crime, which all mankind were bound to unite to put down. But the question had never, in his opinion, been sufficiently regarded in this light. It was en extensive and gigantic evil which individuals, as well as nations, had a right to interfere with and prevent, as much as they had to prevent the kidnapping of their fellow-creatures, or to prevent murder; and every one would be abandoning his duty if he should allow such a crime to pass in his presence, having himself the power to put it down. Every civilised nation had agreed that it was a crime that ought to be extirpated from the face of the earth, and the question that now remained was, by what means was this to be done. He would not enter into a distinction between the right of search and the right of visit. But he stood up for the right of prevention, and every restriction and limitation which was imposed upon that right was the abandonment of a sacred duty incumbent on all men, but more particularly so upon England, which owed an act of retribution to Africa for the many years of wrong she had inflicted by the slave-trade upon that unhappy country. It was quite clear to him that there was no other means for the suppression of the slave-trade than the employment of cruisers on the coast of Africa. He knew there was an objection to the system of granting bounties for the capture of slaves, because it was supposed that it held out an encouragement to the officers to connive at the slave-trade, in order that they might afterwards capture the vessel and obtain the bounty. But he was happy to bear testimony, which he could, to the fact, that there was not the slightest ground for believing that any British officer had been actuated in his conduct by any means such as those which were, at one time, thought to affect his mind. It was perfectly clear that when the cargo of human beings was placed on board the vessel, half the mischief was done. They might escape to Cuba, or to the Brazils, where that infernal traffic was encouraged. Besides, the very fact of chasing and detaining those vessels was a great evil, for it was generally accompanied by wholesale murder, by throwing overboard many of the victims, in order to ligthen the vessel, that it might escape. If, then, a man having command of our cruisers should say,

> "These human beings shall not be put on board the slave vessels; I will arrest them on the coast; I will liberate them, as was done at the barracoons,"

Who would deny that such a man entitled himself to the approbation of his country? He, on his own responsibility, gave orders by which no less than 1,000 men were saved in the barracoons. He (Lord Denman) was therefore much surprised to see new instructions given with reference to the conduct of the cruisers at the Galenas and New Cestus, at which places these acts also had been performed without the loss of a drop of blood, and with the sanction both of the late Board of Admiralty and of the present. He was satisfied that the noble Earl did not believe that these instructions would have produced the effect they had; but they certainly had led to great mischief, on the coast of Africa, where the French papers were read—the French nation having eagerly taken advantage of the circumstance to disparage this country. With regard to the 8th article of the treaty of Washington, he did not think this country was placed in a worse situation by its adoption, but he hoped it would be carried out in accordance with the principles laid down in the despatch of the noble Earl (the Earl of Aberdeen) addressed to Mr. Everett, and which it was impossible that America could quarrel with. It was to be regretted, however, that America should be allowed to say that her citizens should traffic in slaves if they thought it right to do so; and that England should ever have allowed any nation upon earth the power to make such a declaration. However, he was disposed to take the most favourable and practical view of the treaty in all respects, and he hoped, for the future, that they should see these great nations of the world laying aside that miserable jealousy by which they were made the instruments of the worst and basest of mankind—the buccaneers, or the still more base wretches who sat at home, using their capital for the degradation and torture of their fellow creatures. He trusted he should see France, America, and all the nations of the earth deeming it to be nothing more than their duty to join the greatest naval power in the world in putting down this horrible and disgraceful crime.

The Earl of *Carnarvon* expressed his cordial approval of the treaty which his noble Friend (Lord Ashburton) had concluded, and declared his entire concurrence in the vote of thanks now proposed.

Lord *Brougham* replied: He must take the opportunity of denying most positively what his noble and learned Friend (Lord Campbell) had imputed to him—namely, that he (Lord Brougham) had adopted a sneering tone towards another noble Friend of his, the late Secretary for Foreign Affairs. He had done no such thing. If he had used any such tone, it was directed towards a totally different description of person—a person of very considerable distinction no doubt, but not to the noble Viscount (Lord Palmerston). He should be truly sorry to have it supposed that he wished to make any reflections upon his noble Friend, with whom he had had the honour of being a colleague for four years. He begged most distinctly to say (what, but for the observations which drew it forth, he should never have thought it necessary to say), that no man ever had a colleague more faithful, more honourable, and more perfectly fair to deal with, or one more able to discharge those important duties confided to him. This he was bound to say. He had said it at all times in his absence, and he would now say it most distinctly on the present occasion. Nothing would give him greater pain than to find that it was the opinion of any man that he wished to speak sneeringly of his noble Friend. He knew that with regard to his noble Friend's conduct in 1840, though he was opposed to him with respect to his policy on the Eastern question, at that period which he greatly lamented, still he knew that there was a great deal of groundless clamour raised against his noble Friend, more especially on the other side of the channel, and that he was considered as an enemy of peace, when he sincerely believed that there was but one object in common with him and his noble Friend, and that was to preserve peace throughout the world, and especially to preserve peace and friendship with France. Having received the buffetings of his noble Friends in the course of the whole battle, he thought he felt stronger and stood higher—on higher ground than ever. It was said that this motion was unprecedented. He had two instances to the contrary, one on a treaty of peace, and other the vote of thanks to Earl St. Vincent for his naval administration, a motion which was made by Mr. Fox, and only opposed by Mr. Canning because no notice was given. The noble and learned Lord concluded by calling upon the House to do justice to a meritorious public servant.

Amendment negatived, the original motion agreed to.

House adjourned at a quarter past one.

HOUSE OF COMMONS,

Friday, April 7, 1843.

MINUTES.] NEW MEMBERS SWORN. Viscount Dungannon, for the City of Durham.

BILLS. *Public.*—1°. Municipal Corporations (Ireland).
2°. Applotment of Rates (Dublin); Testimony in Colonies.
Reported.—Registration of Voters.
Private.—2°. Liverpool Watering; Drumpeller Railway; Anderston Improvement and Police; Chalgrove Inclosure; Bermondsey, Rotherhithe, and Deptford Road; Norland Estate Improvement; Southampton Docks.
Reported.—Glasgow City and Suburban Gas; Leeds Gas; London Cemetery; Liverpool Docks; Norland Estate Improvement; Charlwood Inclosure; Preston Waterworks.
3°. and passed: Earl of Leicester's Estate.

PETITIONS PRESENTED. By Mr. B. Clive, from Hereford for Amending the Bankruptcy Act.—By Lord John Russell, from Queenborough, in favour of the Municipal Corporations Bill.—By Lord Ashley, from Blandford, for the Repeal of the Income-tax.—By the same, from a number of places, in favour of the Ten Hours' Bill, and of the Mines and Collieries Bill of last Session.—By Mr. Shaw, from the College of Physicians (Ireland), for the better regulation of Medical Charities.—By Messrs. Tancred, Brotherton, Scholefield, C. Standish, Morris, Busfield, Beckett, M. Phillips, H. Lambton, V. Smith, Aldam, Hindley, Denison, and Hume, Captain Pechell, and Lords John Russell, and Ebrington, from Places too numerous to insert, against the Factories Bill.—By Messrs. Brotherton, B. Clive, Morrison, and Darby, from a number of Places, for the Total and Immediate Repeal of the Corn Laws.—By Viscount Pollington, from Pontefract, and by Mr. Parker, from Leicester, against the Ecclesiastical Courts Bill.—By Mr. Palmer, from Newbury Union, against the Registration Act.—From Brede, Burwash, and Westfield, for the Repeal of the Malt-Tax.—From St. Austell, Newcastle-upon-Tyne, and Gateshead, against the Opium Trade.

THE TARIFF—COMMERCIAL TREATIES—FINANCE.] On the motion that the Order of the Day for going into Committee of Supply be read,—

Lord *John Russell* said that, as the House was now going into committee of supply for the last time before Easter, he would take this opportunity of adverting to some questions which did not appear to have been yet decided, but on which he hoped that some information would be given to the House, either at the present time, or when the House met, immediately after the Easter recess. The House would recollect that in going through the alterations in the Customs Bill last year some articles were left subject to the same rates of duty as had previously existed, while those duties were admitted to be objectionable on account of the commercial treaties with other powers which were either then said to be in the course of negotiation, or which the government sought to procure. Of course the suspension of these questions had somewhat of the same injurious effect as the tariff had produced, so long as the discussion on that measure had continued, and it was uncertain what duties were to be imposed. It did not now appear that any of those treaties had been brought to a conclusion. The treaties which were expected to have been formed were with Portugal, Spain, France, and the Brazils. With regard to Portugal, the right hon. Gentleman (Sir R. Peel) had informed the House some time ago that the British Government had made up their minds to adhere to their last proposal, and that if this were not accepted they must then break off the negotiation. As to Spain, he did not hear that any treaty was in progress with that country. With respect to France, it was stated some time ago that confident hopes were entertained that the Government would be able to conclude a commercial treaty with that country; but it did not appear that the French government thought themselves able, either from want of power, or from want of inclination on the part of the country, to proceed to the conclusion of the treaty. As to the Brazils, he had heard no statement made in that House, but the reports which were in circulation were of an unfavourable nature. With regard to this matter, he did not ask the right hon. Gentleman to state at once in what position these negotiations were; but as the subject was one of the utmost importance, both as concerned legislation with regard to articles of foreign production, and the immediate interests of all persons concerned in trade with the countries to which he had alluded, he hoped that the right hon. Gentleman would be able to state directly after Easter whether he expected the immediate conclusion of any such treaties, or, supposing that he was not able to hold out any sanguine expectations of their conclusion, would proceed on those principles which he had laid down last year, which he considered to be just with regard to commerce, and which he conceived, failing the commercial treaties, might be adopted advantageously by Parliament, both with reference to the people of this country, and to those Powers which might be disposed favourably to receive our manufactures. It was very apparent that though some of these commercial treaties might produce direct advantages to the country entering into them, yet that the very conclusion of such treaties, by reason of a supposition that this country, so long renowned for its commerce and success in manufactures, would obtain terms unduly advantageous to itself, often produced the greatest jealousy in the country by which they were conceded. There was one other matter with respect to which, he thought, there could be no objection on the part of the right hon. Baronet to give immediate information to the House, namely, the financial statement of the year. The financial year was now concluded, and the country was to a certain extent informed of the state of the revenue; but it was desirable that the House should hear either from the right hon. Baronet or from the right hon. Chancellor of the Exchequer, what were his views of the present position of the revenue, and of the comparison of the estimated expenditure and revenue for the year. When, at the commencement of the present Session, a motion had been brought forward for a committee of the whole House to consider the distress of the country, the right hon. Baronet had said that it was hardly fair for Members on that side of the House to make such a proposition when the measures of the government had not been proposed. They had not since been asked with any impatience for the production of those measures, but, considering the quantity of business of another kind transacted—considering the votes of supply especially, which had been agreed to, and the forward state of the supply, he thought that it would not be unreasonable to require that, when the House met after Easter, the government should be prepared to state, both with respect to the finances and the commerce and trade of the country, what measures would be proposed. The only measure as yet referred to was the Canadian Corn Bill, with respect to which the noble Lord (Lord Stanley) had stated that it was his intention to ask the opinion of the House immediately after Easter. For his own part, he was ready to consider that question, and he hoped that, with respect to any other measures to be brought forward, some immediate information would be given.

Sir *R. Peel* said the noble Lord and the House must feel that it would be impossible for him to enter at that moment into any statements as to the several subjects to which the noble Lord had referred. With respect to the noble Lord's question as to the time when the House might expect to have a statement of the finances of the country laid before it, he was sure the noble Lord himself would feel that there were many circumstances which had rendered it impossible to bring forward a statement of the finances of the country at an early period in the session. The state of the finances last year had rendered it necessary to lay a tax on property to the amount of 7*d.* in the pound, and it was expedient that accurate information as to the working of that tax and its results should be obtained by the Government before the exact state of the finances of the year could be laid before the House. That information was now, to a considerable extent, before Government, and on the part of his right hon. Friend the Chancellor of the Exchequer he could say, that on an early day after the Easter holydays he would be prepared to lay before the House a statement as to the finances of the country and also of the intentions of Government. With respect to the state of the negotiations for commercial treaties, the noble Lord was as fully aware as himself of the effect of long pending negotiations on matters of this kind. He need not describe the difficulties which often arise in the course of negotiations, the prejudices which exist, and the jealousies the Government have to contend with. But in addition, they were also exposed to difficulties which could hardly be anticipated, from some change taking place in a foreign government, which rendered it necessary, if not to recommence the negotiations, at least to enter into lengthened explanations. He believed, also, that he had himself sometimes been the cause of impeding the progress of these negotiations, from his desire to give information to Members of that House; and the knowledge of this getting abroad, it often alarmed persons in foreign countries, and excited the fears of the manufacturers in those countries that their interests would be affected: and this fear of danger to them was sometimes the cause of increased difficulties. He said this, as the noble Lord stated that he did not call upon him to enter upon any explanations at present. The difficulties of negotiating commercial treaties were not confined to the negotiations with arbitrary governments; indeed, he might observe that the spread of constitutional principles and the establishment of representative governments had not increased the facilities of making these treaties—on the contrary, it had rather increased than abated the difficulties. With respect to articles of luxury, when the duties were high upon them in this country, it was very natural before we lowered the duties that we should endeavour to get some corresponding reductions in articles of our produce in those countries from whence they came. But still he did not think that it was always politic to go too far in demanding reciprocal advantages, but that we should in case of serious impediments in negotiation pursue our own policy, without any reference to that of other governments.

Mr. *Labouchere* was glad to learn from the concluding observations of the right hon. Baronet that it was his intention at an early period after the holydays to let the House and the country know what progress had been made in the treaties now pending with several states, and particularly in that between this country and France. He could assure the right hon. Gentleman that it had been the earnest desire of the late Government, of which he had the honour to be a Member, to maintain amicable relations with France, though it had differed from it on some points. He could state that the offer made to that Government of reduction of duties for corresponding reductions on its part was ample and liberal, and such as if viewed in the light of a bargain would have been found more favourable to France than to this country. He, however, had no desire to regard such offer in the light of a bargain, but rather as the basis of a fair and liberal reduction of duties on both sides, which would be equally beneficial to each. France had rejected the offer made to her, but he believed more in accordance with the prejudices of the people than with the sound views and just principles of its Government, for the people could not be persuaded but that in any commercial treaty the advantage must be all on the side of England and the disadvantage on theirs. Similar prejudices on the part of the people of Portugal and other states had hitherto retarded the negotiations with their Governments, and, indeed, such were the extremes to which those prejudices were carried and such was their influence on the Government that we ought to be cautious as to what negotiations we entered into on commercial questions, for if such negotiations failed, the fact of their having been entered into was found to be exceedingly mischievous. The present state of the wine trade, for instance, the negotiations respecting which had been long pending, was a strong illustration of this, and he therefore repeated that we ought to be very cautious as to what negotiations we entered into. He was glad to hear the observations of the right hon. Baronet, as they tended to remove the anxiety he felt on one point—namely, pledging the Government to any large reduction of duties with respect to the produce of any country. He confessed that from what had fallen from the right hon. Baronet in the debate on the sugar duties last year he was apprehensive that there was intended some exception with respect to the duties on Brazilian sugar. He was now glad to learn that it was a tariff treaty which was meant, and not a commercial treaty, and the two kinds of treaty greatly differed in their nature and object. He had apprehended that there was to be some arrangement relating to the slave-trade carried on by Brazil which was to influence the duties on Brazilian sugar. He was glad to find that there was no ground for any such apprehension.

Sir *Robert Peel* had not meant to state anything, nor did he think that he had said anything, which was inconsistent with the opinions he expressed last year with regard to the negotiations with the Brazils.

Mr. *Stuart Wortley* could not help adverting to the recommendations of the noble Lord, that if these commercial negotiations with foreign states failed, that it would be for the Government to take another course, and to take into consideration what changes they ought to make in our tariff, entirely with reference to our own interests. Now, if it were supposed that such a suggestion would be acted upon, he was satisfied that all commercial negotiations with foreign countries would fail. It was as much as to declare that you would give all the advantages to a foreign country without any stipulation for any return. If this was the view which the Government and Parliament were to be called upon to take, it would be a far more effectual course to legislate without reference to foreign powers. He did not say, that this was his feeling in the matter, but he wished to draw the attention of his right hon. Friend at the head of the Government to the point, and to this inference. He did not think, however, that if either France, Portugal, or the Brazils refused to enter into any negotiation for the reduction of duties on our produce, that we should make the same reduction on articles imported from those countries as we were prepared to do under other circumstances.

Sir *R. Peel* observed, that it was hardly fair to discuss matters of such great importance without notice, when he had merely risen to answer a question put to him by the noble Lord. All that he said was, that when the duties were high on articles of luxury, and with respect, to which there was no danger of smuggling —for instance, on such articles as wine —that it was advisable, when it appeared possible to make a reduction of the duty on it, to see whether we could not stipulate with foreign countries from whence it came to make a corresponding reduction on our manufactures. His hon. Friend must not infer that in all cases, because corresponding advantages were not granted, that we should insist on stipulations where the continuance of extremely high duties would only inflict injuries on ourselves.

Lord *J. Russell* said, he had been misunderstood by the hon. Gentleman ; he had merely said, that where negotiations failed, we should take such a course with reference to duties as our own interests and sound principles demanded; but he did not apply this to all articles, for instance, as regarded articles on which the duty was very high, and smuggling very great, it would be advantageous to diminish the duty. Again, with respect to articles of luxury, it might be very fair to make the reduction of duty a matter of negotiation with foreign countries.

Mr. *M. Gibson* wished to remind the hon. Gentleman, the Member for Yorkshire, that it was the right hon. Gentleman at the head of the Government who first laid down the principle that whether foreign countries negotiated or not with respect to import duties, that if it was advantageous to this country, to reduce its duties, it ought to make the reduction without waiting to see whether other countries would make concessions or reductions. It was on these grounds that he objected to commercial negotiations altogether, and which he believed were, generally speaking, complete failures. What he had risen for was to endeavour to obtain some explanation from the right hon. Gentleman on the subject of the sugar duties. It was well known, that there was a very heavy duty on that article; now he understood the right hon. Gentleman to have said, that the reduction in the sugar duties was not to be considered as dependent on commercial negotiations with the Brazils, or negotiations with respect to the slave-trade, but solely dependent on the Brazilian Government engaging to make certain laws and regulations as to the continuance of slavery in that country. He wished to ask, what steps had been taken to carry out such arrangements.

Sir *R. Peel* replied, that the hon. Gentleman's fertile imagination had suggested certain statements which the hon. Gentleman supposed that he had made, when he was not aware that he had ever said anything as to any negotiations of the nature described by the hon. Gentleman, on the subject of the sugar duties. On the earliest opportunity, he would take care to make a statement to the House on the whole state of our finances, and although he was aware, that the hon. Gentleman's constituents were naturally anxious on the subject, still the hon. Gentleman must excuse him if he did not make him an exception, so as to enter on the present occasion into an explanation on the subject of the sugar duties.

Dr. *Bowring* had heard the declaration of the right hon. Gentleman with much pleasure. He thought from that declaration he should be able to find out what was the tendency of the right hon. Gentleman's mind. The more he thought on the subject, the more he was satisfied that, if we wished foreign countries to modify their respective tariffs, we must set the example, and begin with reforming our own. He was convinced that, if the House and the Government were anxious to promote the commercial interests of England, that we must take the commodities of those countries with which we had any dealings. During the course of his experience, he had uniformly found that, when a foreign country was asked to reform its tariff, it pointed out the imperfections and the vicious policy of our own. He had not the slightest doubt that if our own were formed in a wide and generous spirit, it would be followed by a reform in those of other nations. If this were done, this country would soon be relieved from its commercial embarrassments, and our commerce and manufactures would be extended in the greatest degree.

Mr. *Hume* was not so sanguine as his hon. Friend; but he believed his hon. Friend was right in principle. He was not going to address himself immediately to the question before the House. It appeared that the House had no power in it, and therefore the conversation that had just taken place was of very little importance. He wished to address himself to the right hon. Baronet on matters relating to the taxation of the country, and in reference to what was to be expected from him when the budget should be laid on the Table of the House. He held in his hand an estimate of what the right hon. Baronet expected their situation to be in April, 1843. The right hon. Baronet had estimated that the new taxes would produce this year a revenue of 4,340,000*l.*; that the income-tax would produce 3,730,000*l.*; stamp duties in Ireland, 160,000*l.*; spirits in Ireland, 250,000*l.*; and coal, 200,000*l.* Now, with the exception of the income-tax, the right hon. Baronet's estimate had failed to produce the expected result. He, (the right hon. Baronet), expressed himself strongly opposed to an excess of expenditure over income, and made strong appeals to the House to support him in his endeavours to reverse that state of things; but although the House had supported him, the right hon. Baronet's expectations had not been realised, nor would he have a surplus of income over expenditure, unless he adopted the plan of reducing the establishments. He might reduce the establishments three or four millions sterling in the course of the present year without any difficulty. The noble Lord on his (Mr. Hume's) side of the House (Lord J. Russell) had raised them 5,000,000*l.* since 1835, and surely the right hon. Baronet might reduce them, if not to that extent, at least 3,000,000*l.* With a view to a further reduction hereafter, he submitted that the right hon. Baronet had it in his power to make, and ought to make reductions in the army and navy, and other establishments. Even in the miscellaneous estimates, which amounted to 4,000,000*l.*, the right hon. Baronet could make, without any difficulty, a reduction of 1,500,000*l.* He wished to see the income and expenditure of the country equalised, and no further additions made to the national debt, which had been augmented for the last ten years. With reference to our commercial treaties, he must observe that nothing could be more unsatisfactory than the state in which many of them at present were; and on that ground, as well as others, he counselled the right hon. Baronet to throw open our ports to such an amount of duties as would raise the revenue and lessen expense, instead of the present complicated mode of endeavouring to raise money without adding to the Exchequer. He thought the country would be better without those treaties.

SUPPLY—LUNATICS—EDUCATION (IRELAND).] House in Committee of Supply—Miscellaneous Estimates.

On the question that 4,122*l.* be granted for defraying the expense of maintaining Criminal Lunatics in Bethlehem Hospital,

Mr. *Hume* objected to the large cost which it appeared each of these criminal lunatics involved the country in. The average was not less than 40*l.* per head, whereas thousands of industrious people in this country were able and glad to maintain themselves for 25*l.* a head, and less. He thought that some means should be adopted by which offenders of this description, when they again had their intellects restored to them, should no longer enjoy comparative impunity, under the idea of their still being insane. He had visited the criminal lunatics confined in Bethlehem many times at intervals, and there were several of them who appeared to him to be perfectly sane. Mr. Hatfield, among others, had been kept for forty years at the public expense, an insane criminal, though as far as he had been able to judge, that person for many years was in full possession of all his mental faculties.

Vote agreed to.

On the question that the sum of 52,474*l.* be granted to enable the Lord-Lieutenant of Ireland to issue money for the advancement of education in Ireland,

Mr. *Shaw* said, he could not allow that vote to pass without troubling the committee with some observations upon it. It was not possible for him to raise the question in such a shape as to take the sense of the committee upon the vote. He did not desire to diminish the amount of the grant. On the contrary, he considered that the sum granted by Parliament for the advancement of education, both in this country and in Ireland, was too small, and the forms of the House would prevent his moving to augment it. His remarks would be in the way of remonstrance, and protest on behalf of the clergy and the members of the Established Church in Ireland. If hon. Gentleman opposite expected or hoped that he would be betrayed into any angry attack or harsh language against those of a different religious persuasion from himself in Ireland, he trusted that they would be entirely disappointed. He was anxious to address himself to the reason and good feeling of the House and the country, and to persuade even those who differed from him, both in religion and politics, that the Established Church and the children of her communion in Ireland, had been unreasonably dealt with on the subject of national education. He was free to admit the peculiar difficulties arising from the anomalous condition of her people in respect of religious faith, which attended that question in Ireland; and he would not blame her Majesty's Government for acting with every caution and deliberation, and refusing to take any rash or hasty step in a matter of such great delicacy and importance. He did not dissent from the sentiment which had been declared so long ago as the year 1812 in the report of the Board of Education, signed by the primate, Bishop Elrington, and other prelates and heads of the Established Church in Ireland, that in a system of national education for the Roman Catholic population of Ireland, "all interference with their particular religious tenets should be unequivocally disclaimed and effectually guarded against." He did not object, nor had the Church in Ireland objected, to the state giving to the children of religious sects differing from them, the best education they could be induced to receive. What he did complain of, and what he thought, he could in a few words prove to the committee was, that while the state respected and made provision for the scruples of those who dissented from the Established Church, it had disregarded the conscientious objections of the members of the Church, and refused all educational aid to the poor children of her communion, because on principle they declined to accept it at the hands of the present national board. He utterly denied that the clergy in Ireland had been influenced in their opposition to the national system of education, and in their refusal to admit their schools into connection with it, by party or political motives. He maintained that their conduct was governed by the highest sense of religious duty. He personally altogether agreed in their sentiments, and could not understand why the Church in Ireland, merely because her numbers were fewer, and her members more scattered and exposed to danger than the Roman Catholics, should be expected to adopt a system, and act upon principles which had been resisted, and would not for a moment be submitted to by the Church in England. The National Board had adopted the discipline of the Church of of Rome in restricting the use of the Sacred Scriptures — and repudiated the great principle of the Church of England, that it was the duty and the right of all to read them. In the hours of united instruction, and during the time that could only be properly said to be the period of national education, not only were the Roman Catholics not required, but the Protestants were not permitted to read the Scriptures. It was true he did not wish to conceal or overstate a single fact connected with the board, it was true that there were certain works of Scripture extracts published by the board for the use of the schools, and the board recommended—but they did not require the scholars to use them. He would not then dwell upon objections which were felt against some of the extracts themselves, as taken from the Douay version, for what he was observing upon at that time, and what applied equally to some passages of Scripture interspersed through the reading books, was for the purpose of showing that in no one instance was religious instruction of any kind made a necessary part of the education afforded by the national system—and it had been well observed by the distinguished and munificent Prelate who presided over the Established Church in Ireland, in his last visitation charge, that "the character of a system of education was determined by its authoritative requirements, and not by its powerless recommendations." He would not detain the Committee by even glancing at various other objections which were entertained by the clergy and the patrons of the church schools in Ireland to the National Board. Such is the constitution of the board—the commissioners themselves being the representatives of the most conflicting religious opinions—for he was then upon the main objection, and that which most weighed upon his own mind—namely, the dishonour done to the word of God: and the total absence, as a requirement of the system, of any portion of religious instruction, without which he did not think a mere secular teaching could properly be termed, in a Christian Community, education at all. He would advert to but one other topic, and that was the fact, which was undeniable, that the system had totally failed in what had been professed as one of its leading effects—united education. In the north of Ireland there were latterly some Presbyterian schools, in connexion with the board; and there were Roman Catholic schools, but they were separate schools of each—and not schools in which the different persuasions of religion were united together. The county of Cork, he believed, might be quoted as a fair sample of the whole of Ireland—here it appeared there were about 30,000 children on the rolls of the national schools, and not ten Protestant children upon them—while in the same county there were about 9,000 children educated in the schools connected with the Church Education Society. After an experience of nearly twelve years, and under different governments, it had been found impossible to reconcile the Protestant clergy and people of Ireland to a system of which they could not conscientiously approve—and at all events, the fact was indisputable that, whether from what he called principle, and others might call prejudice, still the fact remained that, with scarcely an exception—the exceptions indeed were so few as only to prove the rule—the Members of the Established Church derived no aid from the national grant—and there was less union of the children of different denominations in the schools of Ireland at present than there had been before the establishment of the so-called national board. Last Session there were petitions presented to that House couched in mild and temperate, but firm language, assuring the House that from conscientious objections the clergy and members of the Established Church could not place their schools under the present board. These were signed by nearly 900 clergymen, and by about 25,000 of the laity of the church of Ireland —and they had now, with their own unaided resources—and depressed—miserably reduced—as had been the incomes of the Irish clergy for a long series of years—above 1,200 schools, containing more than 70,000 scholars, connected with the Church Education Society, and under the immediate superintendence of the bishops and clergy of the establishment. Was it fair, was it reasonable—was it right, that these alone should be refused the countenance or support of the State, because they acted upon the principles of the Church which was connected with the State, and upon those which pervaded the whole system of national education in England — while every sect and other religious creed in Ireland were receiving assistance from their grants? He did not say the National Board gave the best possible education even to Roman Catholics and other Dissenters; but still, as regarded them, until a better could be provided, he did not desire the abolition of the present board—all he asked was, that the schools connected with the church should receive at least some share of Parliamentary bounty and support. He had himself brought forward at a public meeting in Ireland, although he did not claim the merit of having originated it, a plan which he had thought would have been free from objection to any reasonable mind. It was, that leaving the national board in Ireland for Roman Catholics and Dissenters much in the same position as the British and Foreign School Society held in England, the church schools in Ireland should be taken into union with the national society in England "For Promoting the Education of the Poor in the principles of the Established Church," and presided over by the prelates and heads of the church in England—the two branches being really one united church of England and Ireland. This plan appeared most desirable for the church, and could not have afforded just ground of offence to any other body. He might without impropriety say, that the suggestion had been approved of by some of the most eminent prelates, and other leading members of the English national society; a few words of alteration in their charter, and an increased grant to the extent of the preparation intended for the Irish branch of the Church, were all that was required. But the present Government refused their sanction. This had been the source of deep disappointment and mortification to the Irish clergy and the friends of the Church in Ireland. They had felt it more "in sorrow than in anger," but still, they felt it deeply. He most reluctantly made a single observation which could reflect upon the present Government, to which, in general, he gave his warm and independent support; but in this case, he owed a paramount duty to those whose interests he represented in that House, with whose feelings upon the present question he cordially sympathized; and still, more, to the sacred cause of sound scriptural education, of which he had throughout his life been the humble, but he trusted, the sincere advocate. As he said in the beginning, the forms of the House would not allow of his moving any amendment to the vote then proposed, which would be consistent with the views he had stated to the committee. He would, therefore, only in conclusion express his earnest hope that another year would remove from the Government and the House the reproach of withholding all aid from the education of the children of the Established Church in Ireland, only because their pastors and parents could not conscientiously suffer them to accept it under the system of the existing national board in that country.

Mr. *Grogan* said, he was anxious to avail himself of that opportunity of pressing upon the attention of the Members of her Majesty's Cabinet the propriety, nay, he would add, the justice, of giving to the question of education in Ireland a full and liberal reconsideration, before they should be called upon to vote these estimates in the ensuing Session of Parliament; and this he should think the more necessary, because he did not believe that the Ministry were aware of the true state of public opinion upon this subject in Ireland. Now, after the able and dispassionate speech of the right hon. and learned Recorder on the general question, he should endeavour to confine himself to ground which had not yet been travelled over or alluded to. If, after a full and patient investigation of the subject, her Majesty's Ministers should be of opinion that the system of the national board was the best adapted to the circumstances of Ireland, afforded the best chance of inducing Roman Catholic parents to send their children to the schools of a Protestant state—in fact, of giving to those children such an education as would enable them the better to struggle and push their way in the busy and bustling scenes of life, and afford them a good literary secular education, or if so, it was not necessary for his present purpose to enter into the question, to combat that opinion. But, did the duty of the State stop here, or was it not also bound to furnish to the children a really sound, wholesome, and religious education also? The system was introduced when the noble Lord the Secretary for the colonies was Secretary for Ireland, it was a great and bold experiment, and he doubted not was intended for good. The object was to induce the children of the different religious denominations prevailing in Ireland to unite together, to assemble in the one common school-room, in the hope of thereby causing them to forget their religious and political differences. Had that object been attained? Had that hope been realised? He conceived not; but, like all other schemes in which principle had been abandoned, and any other system adopted as a rule in its stead, it had, in his judgment, failed. The right hon. and learned Gentleman had already shown to the House proofs of this failure, and had pointed out that the system of the Church Education Society had tended to unite the children of different religious opinions more effectually than the national system had succeeded in doing. He had shown that 70,000 children were in attendance on the schools of that society, of which number upwards of 20,000, or nearly one-third, were Roman Catholics, thereby proving that there was not that disinclination in the minds of Roman Catholics to receive a religious and scriptural education which some Gentlemen might imagine. That society had very limited means, and yet had already been productive of very great good, not only to the children of Protestant parents, but to those of Roman Catholics also. The right hon. Baronet, the Secretary for the Home Department, had recently laid before the House his bill for the regulation of factories, and had borne the most ample testimony to the very great importance which he attached to a sound and religious education being superadded to one of a purely literary and temporal character, in the provisions which he had made in that bill for affording to the children, whose parents, or who may be themselves, employed in factories, a really sound and scriptural education based upon the Bible, conceiving it to be the best and only effectual remedy against a recurrence of those unfortunate circumstances in which the country was plunged in the autumn of the last year, and the only method of raising these children from the depths of moral degradation, in which, from the reports of the commissioners of factories lately presented to the House, we must painfully admit them to be sunk. Now, the principles upon which the system of education proposed by the right hon. Baronet to be given in these schools was, as nearly as possible, the same, if not identical with, the principles on which the schools of the Church Education Society were based; in both the prelates and clergy of the Established Church have a superintending and controlling power. The Bible was required to be read in the schools proposed by the right hon. Baronet; it was also required to be read in the schools of the society. In the schools of the right hon. Baronet, the children, whose parents might not object, were to receive instruction in the catechisms and formularies of the Established Church, in the manner and for so many hours daily, as the clerical trustee shall determine. The catechisms and formularies of the Church were also required to be taught to all the children attending the schools of the Church Education Society; but here a great dissimilarity occurred—the right hon. Baronet proposed to deduct from the little earnings of the children, a sum necessary to support and maintain these schools, whereas all children, without distinction of creed or circumstances, were admitted to the schools of the society, and instructed gratuitously, without any payment whatever, subject to the only limitations that they should belong to the parish in which the school was located, and have the approbation of the minister for liberty to attend it. But the right hon. Baronet conceived, that a religious and scriptural education was useful, was necessary for this country. Was there anything so peculiar in the circumstances of Ireland to render it less beneficial, less necessary there? The Church Education Society had already done much good; it was on these grounds that they were anxious to see the sphere of its usefulness extended, by its receiving the countenance and support of her Majesty's Ministers, and it was on these grounds, that the reply of the right hon. Baronet, the Member for Tamworth, conveying the sentiments of the Cabinet to the application of our prelates in the course of last autumn, created such a deep, general, and painful sense of disappointment, to all the Protestant party in Ireland. But he hoped that before the House should be again called upon to pass those votes, her Majesty's Ministers would be pleased to give the question of education in Ireland a full and searching investigation. He did not mean a mere inquiry based upon the reports of the national board, or of the Church Education Society, but a full inquiry conducted by any body or committee whom they might think proper to authorise and depute for the purpose, into the whole system, so as to find out the plan best deserving of the support of the State, and he was confident that the system adopted by the Church Education Society would brave the strictest examination, and come off triumphant. He should conclude by reading to the House an extract of a speech delivered last year by a Gentleman equally distinguished for his piety, his zeal and learning, to which acquirements the Cabinet have borne full testimony, in promoting him to a bishopric—he meant Dr. Daly, who speaking of education, used words far more expressive than anything he (Mr. Grogan) could say. Dr. Daly says:—

"With regard to education itself, there seemed to be no difference of opinion—there seemed to be a common unity of sentiment—and every one cried out educate the people; and, indeed, he would ask how could there be a second opinion with regard to the subject of educating the people: was there a second opinion, he would ask, with regard to the cultivation of the land?—who was bold enough, or foolish enough, to stand up and say, there was no use in cultivating the land, when the curse that sin brought into the world declared that the earth should bring forth thorns and thistles?—who would, for a moment, advocate the principle that it was not necessary to cultivate the land; and, surely, if the mind of man, if the heart of man had not suffered less from the fall than the ground from which he produces the food he eats, who was there among them bold enough—who was there mad enough to deny the necessity of imparting a scriptural education to the people? Education, without religion, was like turning up the ground with the plough, and leaving it to bring forth thorns and thistles. Such was the view which he took of education without religion; and he thought that man would err from common sense who would set about the education of children without the assistance of religion—he would be turning up the land, but casting no seed into it. Then came the question, if they were to cast seed into the ground, what kind of seed was it to be? Some people said, and he believed the advocates of the national board had sometimes said, that they were in favour of religious education, but did they tell them what that religion was which was the seed of that good tree from which they expected good fruit? No; they talked of religion only, but they left out, they excluded that which God himself had said was the good seed—that seed was the Word of God, and therefore he would maintain, that if they educated the children, and did not cultivate the heart, as well as the ground, and cast good seed therein—and there was but one good seed, and that was the Truth, the Word of the Eternal God—they educated them in vain without it."

Lord *Eliot* said, the temperate manner in which his right hon. Friend, the Recorder of Dublin and the hon. Member for the city of Dublin had stated their views, entitled them to every consideration. He (Lord Eliot) did not propose to enter into any lengthened argument, but to make a few observations on certain statements of his right hon. Friend relative to the working of the national system of education. His right hon. Friend said there was no security for religious instruction in the Irish national schools. It was true, that there was no absolute rule on the subject; but it was distinctly stated in the report of the commissioners that they earnestly and unanimously recommended the Scripture lessons to be used in all their schools. They stated that they preferred trusting to such a recommendation, to the adoption of any compulsory regulation; being persuaded, that if those lessons were not received willingly, they would have little beneficial effect; and, in point of fact, there was no school under the board in which religious instruction was not imparted. He believed the board would discontinue its grant to any school in which religious instruction was not given. The right hon. Gentleman objected to the time at which the Scriptures were read. When the Bible itself was read, it was necessary that those children whose parents had a religious objection to such reading should be permitted to absent themselves. It was a recommendation of the commission of 1812, of the commission of 1821, and of the commission of 1828, that there should be no compulsory religious instruction. But by the rules of the board, the Bible might be read at any hour every day in the week, provided those hours were prescribed and made known, so as to prevent the attendance of children against the wish of their parents, and one of the days in the week is set apart for separate religious instruction. The propriety of some such arrangement was, in fact, admitted by an eminent opponent of the board, the Bishop of Exeter, who stated that the use of a volume of well-chosen extracts, and the appointment of times of separate religious instruction, were no more than fair concessions to the circumstances of Ireland. He would now proceed to lay before the House some statistical facts connected with the working of the National Board. The number of its schools in operation in December, 1841, was 2,337; and the number in December, 1842, 2,721, showing an increase in the year of 384 schools. The number of children in attendance in December, 1841, was 281,849; and in December, 1842, 322,778, showing an increase of 40,929. In July, 1842, aid had been given to 1,064 schools, to the amount of 80,961*l.* In November, 1842, the board was obliged to decline giving further grants for the building of schools or the salaries of masters, from the inadequacy of funds, and to restrict their assistance to the supply of books. That limited assistance had been accepted by 70 schools. The number of books distributed was 1,200,000. Great stress had been laid on the expectations formerly entertained of a system of combined education. Those expectations certainly had not been altogether fulfilled, but that was owing to the opposition of the established clergy—an opposition he firmly believed to be entirely conscientious, and one in which no party or political feeling was mixed up. The clergy, in fact, had felt it their duty to obstruct the system, and, therefore, it was not so successful as it might have been in giving combined education. There was nothing in the plan itself to prevent a sound religious education, and it was hardly fair for the clergy to reproach it for a failure of which they had themselves been the cause. Combined education, however, was at present carried on to some extent; of 2,584 schools in operation in July, 1841, 784 were under Protestant management, 1,737 under Catholic management, and 68 under the mixed management of Catholics and Protestants. Since the Presbyterians had withdrawn their opposition, one-fourth of the masters trained had been Protestants—and of 300,000 children under education, one-eighth part were Protestants, which was very nearly the proportion of Protestants in the whole population. The House should never lose sight of the fact, in reference to this question, that 80 per cent. of the population of Ireland were Roman Catholics. He thought it a great step in advance, that the Roman Catholics consented to receive the education given by the national board. It evinced great liberality in the Catholic prelates, that they had consented to the use of the volume of Scripture extracts, which he thought an admirable one. The House should pause before it did anything to shake the confidence of the Catholics in the present system. When the Kildare-place Society began to lose their confidence, the children were withdrawn from the schools, and the House should beware of doing anything to produce a similar movement now. There were some other facts which he should mention. Of the eighty-nine Poor-law unions under boards of guardians, composed of Catholics and Protestants, the schools of sixty-one had been placed under the board, receiving, of course, only the assistance of books and the benefit of superintendence. Ireland was divided, with regard to education, into twenty-five districts, each being under a superintendent. Of these superintendents twelve were Protestants, and thirteen Roman Catholics. Of twenty persons, forming the establishment of the board, thirteen were Protestants, and seven Catholics, the income of the former being 2,998*l.*, and of the latter 757*l.*, per annum. Of the commissioners, four were Roman Catholics, and seven Protestants. Thus there was a decided preponderance of Protestants in the management, but the Catholics showed no distrust of it in consequence. As to the proposition of the right hon. Recorder, to give a separate grant, or a proportion of the present grant to the Church Education Society, there were serious objections to such a course. It would be transferring education from a responsible board, to an irresponsible voluntary society. Besides, the Church Education Society was formed in opposition to the present board. It was intended to be, not ancillary, but hostile to it. In supporting it, therefore, the State would be supporting two systems on directly opposite principles. And what would be the consequence, with respect to the national board? It would be left entirely to Catholics, and Protestants would have no right to interfere in its management. The Government must cease to prescribe any system of instruction. Hon. Gentlemen who recommended such a course, and yet opposed the Maynooth grant, should reflect that they would then establish a Maynooth in every parish in Ireland. The schools, he said, must become Catholic schools. The Archbishop of Dublin would feel it his duty to retire from the board, because he would not feel it right to interfere with education intended exclusively for Catholics. The other Protestant commissioners would take the same course, and the management would become wholly Catholic. In several of the schools at present there were no Protestants, but there were many parts of Ireland in which there were no

Protestants, and in the south of Ireland, they did not form more than a twentieth or a thirtieth of the population. It was not to be expected, that the schools in those districts should show a greater attendance of Protestants. He must conclude by expressing a hope, that the Irish clergy, whose laudable and praiseworthy efforts for the improvement of the people were highly creditable, might feel it to be consistent with their duty to take part in the management of the schools under the board, because he believed that in that way, they could do more than in any other to promote religious education.

Lord *Ebrington* could not admit that the objections to the grant had originated entirely in religious scruples, for he thought that party spirit had much to do with it. No one could doubt that, who knew how unscrupulously and perseveringly the cry of " No Popery" had been raised in connexion with this subject, and how much had been said about the mutilation of the bill by the commissioners of education. With regard to this, he could not but observe, that while the Established Church maintained the doctrine that the Scriptures ought to be read and circulated amongst the people, principles were spreading in it, which were utterly opposed to those Protestant principles which up to the present time had been regarded as the glory of this country. Every day showed more and more that the principles of some members of the Established Church were less liberal even than those which induced so many Roman Catholic prelates to sanction the use of those Scripture extracts, which he had read and examined with attention, and found to contain all the essential doctrines and principles of Christianity. He knew they had been abused, but chiefly by those who had not read them. As the noble Lord had defended the national system, it was not necessary for him to say one word; but the attack was not to be wondered at, when the nature of the recent Church appointments and preferments in Ireland was considered. Scarcely a single distinguished preferment or appointment had been given to any Irish divine, except to such as had been engaged, and some conspicuously, in running down the system which the Government now professed itself determined to uphold. That was the case with respect to the Rev. Mr. Daly. The Government complained that they had been attacked on both sides. Why, of course, that was the national consequence of their double policy.

Mr. *Colquhoun* believed the appointments made by the Lord Lieutenant of Ireland, had reflected as much honour on his Lordship as upon the persons appointed, who were distingushed for their enlightened views, their profound learning, and unobtrusive piety. They were such appointments, notwithstanding the aspersions of the noble Lord, which he would yet regret perhaps, as would make the present Lord Lieutenant look back upon them as the most glorious and satisfactory part of his administration, and which rendered him deserving of the greatest public confidence. Surrounded as this question was with great difficulties, and embarrassed by considerations which he thought it wise to appreciate, he must express his sincere regret, that her Majesty's Government had come to the resolution not to grant to the Irish Prelates, and the Irish Church, that assistance which he thought consistent with the greatest toleration and the national system of education. The noble Lord had said, that he preferred a board authorised by the Government to a voluntary association, when, in fact, grants were made to voluntary associations—the British and Foreign School Society on one side, and the national society on the other. In speaking of conscientious feelings of Roman Catholics, he thought the same regard ought to be had for those of Members of the Established Church. He thought, that to have the co-operation, in a convulsed and agitated country like Ireland, of men inferior to none in learning and piety, and disposition to maintain order, was what no Government ought to neglect, and what all Governments ought to appreciate; and he not know any class of men more free from those peculiar feelings to which the noble Lord had adverted. Even the hon. Member for Lambeth, who advocated the cause of the Dissenters of this country, must see the injustice of excluding Members of the Church of England from the public aid which was granted to the Members of another Church.

Mr. *Hawes* said, that not only was he ready to support what had fallen from the hon. Member who had just sat down, but that when hereafter he should, on behalf of the Dissenters of England, advocate a free system of education, he should expect to be supported by the hon. Member, and he would proceed upon the very same ground taken by the right hon. Gentleman, who said,—

> "He could not but complain of the Government, that the Church Education Society should be refused any grant of public relief merely because the parents of the children could not accept the education of the National Society."

He hoped the hon. Gentleman would give notice of an address to her Majesty to carry out that view, and he (Mr. Hawes), and many on his side of the House would support the right hon. Gentleman, hoping that when hereafter he should propose a grant to those bodies who dissented from the Church of England, he should receive the support of the right hon. Gentleman and his Friends.

Captain *Jones* said, that the clergy of the Church of Ireland were opposed to the plan of national education established in that country, because they did not consider it a system of Scriptural education. It was on that ground, that he also objected to it, and he thought the children of Protestants had, at all events, an equal right with those of Roman Catholics to be educated properly in the principles of their religion at the expense of the State. The noble Lord treated the Church Society as an antagonist establishment, but the noble Lord should recollect, that it arose out of the necessity of the case, and because the clergy of the Established Church in Ireland had conscientious objections to the system of religious education adopted in the national schools. There was no wish on the part of the Bishops or the clergy to interfere with the education of either Roman Catholics or Dissenters; but they thought, and in his opinion correctly, that they were entitled to a grant of public money for the purpose of communicating to the children of their own flocks that description of religious education of which they could approve. If, however, it were proposed to discontinue this grant, he should not be found to vote against it.

Viscount *Bernard* would not have intruded any remarks of his upon the House, on a subject upon which there were so many hon. Members present much better qualified to speak, were it not that there was no other Member present, from a large district in the south of Ireland with which he was connected, and that he represented a constituency who entertained the same opinions, which he did who felt deeply on the subject and were keenly alive to the injustice which the principles on which it was administered inflicted on the cause of Protestantism in Ireland, and also if he had not had the honour of presenting to the House a large number of petitions from the united diocese of Cork, Cloyne, and Ross, in the course of the previous Session of Parliament, petitions numerously signed by Protestants—lay as well as clerical—who feeling strongly upon the subject, were actuated solely by those feelings in petitioning the House against the system of education as carried on by the national education society. But while he came forward to express how much he disapproved of that society, and how much he regretted the course the Government had taken with respect to it, he was willing to give full credit to the noble Lord (Lord Stanley) who had originally introduced the education system into Ireland, for having brought it forward with the best and purest motives, though the noble Lord had, he believed, been greatly mistaken in supposing this to be the only mode of giving to Ireland a scriptural education — nor was he ignorant of the many difficulties which the Government had to contend with in dealing with this question—difficulties which had resulted from the conduct of their predecessors in office, who had left this, among their many other political legacies, to embarrass the course of their successors. The late Government had come forward year after year, proposing a grant for united education long after the system had failed as a system of united education, and when the money was virtually applied to a very different purpose, the education actually given being in the smallest possible degree a system of education for Protestants and Roman Catholics jointly, because very few Protestant children attended the schools at all. He conscientiously objected to any Parliamentary grant being given for any system of education, unless the Holy Scriptures formed the basis of that education, and this was the objection of the Church. He was opposed too to what was understood by a united system of education, because he was convinced that it never could be made to work without a compromise of principle, in one or both of the parties to the contract. The Church of Ireland considered that while she waved her right as the natural instructress of the people, to teach them her creeds and catechisms, she had a right to demand that in any system of national education the Holy Scriptures should be taught not as an accessory, but as a fundamental portion of it. She desired also, of course, to have some voice in the appointment of the masters of the schools. In the propriety of this he fully concurred. Conducted as it was, the united system, he believed, had a baneful effect on the children, because, if you taught that all religions were equally important, were you not running a risk of causing the children to believe that all religions were equally indifferent? The education was professed to be an united religious and literary education; on what religion was it based? Not on the Established Church; it was not purely Roman Catholic. It was founded on the basis of a compromise of principle; and if such a compromise was good for the young, was it not equally good for the adult? Would it not be equally good for establishing an union between the two churches according to the plan of the celebrated letter of Doctor Doyle? Upon this point he would read the opinion of a most distinguished man of his day, and who had filled the office of Secretary to Lord Castlereagh—the late Mr. Alexander Knox—as it appeared in the 3rd volume of his remains. It was as follows:—

> "I think now in brief, that any prospect of our uniting with the Roman Catholic church is not deeply alarming, only because it is utterly impracticable There are essential differences between the two churches, which admit of no accommodation. To concede in these matters would be in us unfaithfulness to our providential trust, and in them gross inconsistency; but on such points as I refer to they would not concede a hair's breadth, nor could they without unlocking their whole arch. They, therefore, could only indulge us with modified explanations, in the prospect of afterwards drawing us, by subtlety or by force, from such modifications as, in the first instance, the enlargement of their church might have made it expedient to yield to, but merely with the design of re-explanation as soon as it would be practicable."

All experience had shown that any system of education that did not proceed upon the basis of religion, must fail. Allusion had been made to the commission of 1812-14, and he thought that an inference had been unfairly attempted to be drawn, that their reports sanctioned the present system of national education. He felt deeply on this subject; for one of those who had signed the report of 1814, was a near and dear relative of his, a late most rev. Prelate (Archbishop Brodrick), and he felt confident, that that most rev. Prelate would have rather put his hand into the fire, or suffered martyrdom at the stake than have signed the education paper of 1831. But if the House would allow him he would read an extract from the letter of Baron Forster and Mr. Glassford, for though three of the education commissioners, in the report of 1827, were for combining literary and religious instruction, and expressed their belief that such a plan to a limited extent was not hopeless; the other two Mr. Glassford and Baron Foster said:—

> "Any plan for compelling all the varieties of schools to give way to one inflexible form, would, in our opinion, be a great mistake. We feel strongly that the unexampled improvement that has taken place within a short time in the education of the peasantry of Ireland, ought to be duly appreciated before any of the means by which it has been produced shall be destroyed or endangered. We have stated in our second report that there are at present in Ireland no fewer than 11,823 schools —a greater number, perhaps, than is to be found, for the extent of the population in any other country; and though we lament that many of them still supply instruction of a very objectionable nature, we see, with the utmost satisfaction, the rapid improvement which has already been effected in their character. About twenty-years ago the Scriptures, as we are led to believe, were not read in so many as 600 schools in Ireland, while at present we have ascertained, and stated in our report, that they have found their way into 6,058 daily schools, independent of 1,945 Sunday schools—in all, about 8,000 schools. This great amelioration in the education of the Irish peasantry is still in progress, and can perhaps be checked by no means less powerful than such interference on the part of the state as would be calculated to counteract it; while, therefore, we are ready to promote the trial of any experiment that may suggest the means of usefulness, or which may, perhaps, be now fitted for some districts hitherto less accessible than others, we cannot too strongly express our opinion that any such experiment ought to be considered only as an accompaniment to those means which experience has proved to be useful, and not as tending to the suppression of any tried instrument of good."

He (Lord Bernard) believed that the Kildare-place society, both on the ground of principle and policy, was the nearest approach they could hope to make to anything like an united system of education in Ireland. The system of that society was founded upon the Holy Scriptures for its basis, and was in his opinion, the only one which could be administered with justice and fairness to all parties. It must be remembered that the great majority of the children attending the schools would be Roman Catholics, and looking at the influence they would have on their Protestant schoolfellows, at that period of life when the human mind was most open to such influence — looking at the combination of national and religious feelings which would be brought to bear upon them in their earliest childhood, he thought justice would not be done to the Protestant children, unless there was some counteracting influence in the religious instruction, and in the masters and teachers of the school. They were told that the Kildare-street society had failed in its object. He thought he could show that that was not the case. In the year 1821, there were 381 of the Kildare-street society's schools, and 26,474 scholars—in the year 1831, the number of schools had increased to 1,634, and the number of scholars to 132,530, while it appeared by the first report of the national education commissioners that the number of schools was then 789, and the number of scholars attending them 107,042; and in the eighth report it appeared that there were 2,337 schools, and 281,849 scholars. It would be seen by this statement, that in proportion the increase had not been greater, notwithstanding the many and great advantages the national education society had, than in the Kildare-place society. But the late Government acted in this upon the principle which they had for ten years applied in other measures to Ireland, they held that under the former Conservative and Tory Governments the Protestant party had enjoyed too much influence—and how did they proceed to remedy the evil? Why, instead of endeavouring fairly to equalise the balance, they threw the whole weight into the opposite scale. The Kildare-place society represented the Protestant principle—The National Education the Roman Catholic. The Government abandoned the former, and gave their influence to the latter. He could not agree with the noble Lord, the Secretary for Ireland, that the national society, as an united system of education, had increased. The noble Lord had shown that a great many new schools had been established, and that they were attended by many thousands of children; but he did not show that they were attended by a greater number of Protestant children than formerly. The fact was, he believed, that very few Protestant children attended the schools. And when it was remembered the great advantages which the national education society, with agricultural schools and improved literary education, enjoyed, it was scarcely fair to bring it forward, as having done that which the limited funds of the church society had not enabled it to do. But the noble Lord's numbers had been swelled by the addition of the poor-law schools, and it was exceedingly questionable, he believed, whether, by bringing those poor-law schools within the national education system, the Government were not committing a breach of the poor-law; in his opinion, they violated, by so doing, the neutrality which the Irish poor-law attempted to establish. The Protestant clergy of Ireland had been assailed for the part they had taken in this question, and the noble Lord the Member for Plymouth (Lord Ebrington), had spoken of them as though they had been influenced by political motives. He could tell the noble Lord and the House that there was no body of men, either in that or any other age, whose motives were more pure, or who were less influenced by political considerations in the performance of what they considered to be their duty than the Protestant clergy of Ireland. On the tithe question rather than surrender what they conceived to be the rights of their successors in the Christian ministry. Sooner than violate their ordination vow, or allow the holy Scriptures to be mutilated, they were willing to undergo the severest peril, and risk the loss of all advantages, rather than surrender their principles. But, after all, it was no charge against the clergy that they were opposed to the system—the very outcry that the failure was caused by the clergy was a proof of its failure. For if it were not a system such as the Church could conscientiously support, it would naturally fail. The noble Lord then referred to the number of diocesan schools in the diocese of Cork, Cloyne and Ross, there were only twenty-six attending the national schools. In the year ending 1841, there were 210 of those schools and 8,873 scholars; in 1843 there were more than 200 schools (exclusive of those in the large towns): a large number of the children were Roman Catholics; and these schools were supported by going round from day to day to beg the assistance necessary for the purpose. Were it not for the voluntary subscriptions of the friends of the Church, who came forward to assist, all these advantages must fall to the ground. But he, believed, that the most serious view of this subject was, that the united system was a severe injury to the Protestant Church and the cause of Protestantism in Ireland. Formerly the state gave 25,000*l.* or 30,000*l.* a year to the Church education societies—now it gave 50,000*l.* a year to the opposite party, which was, in effect, giving an advantage to the amount of 80,000*l.* a year. To show the consequence of this, he would read an extract from a work of a clergyman who resided in a distant part of Cork, on the shores of the Atlantic who said,

> "I have myself within the last week seen the houses of two Scripture schools, which for several years had flourished and prospered, but are now closed for want of provision for the payment of the teachers. I well remember when one of them, being in the centre of a large Protestant population, was attended by from seventy to eighty Protestant boys, with about the same number of females in the adjoining department. Now, however, it may well be said, that Ichabod is written upon the doors of the male department of this handsome building, while at the opposite side of the street stands a large Popish school superintended and taught by the four monks."

Feeling as he did upon the subject, he thought it his duty to state these facts to the House. It was with great sorrow that he differed from those for whose opinion he entertained great respect, and to whose administration in other respects, and with reference to other measures, he gave his warm and cordial support; but he could take no other course on this occasion than express his sincere opinion and enter his protest and dissent from the system to which he had been referring. He would add, that he did believe that by adopting a fair and equitable course between the two parties, between which unfortunately, the population of Ireland was divided, the Government could do much to conciliate both those parties, and do away with religious differences. Let it be remembered, that at one time penal enactments had been tried, and they had signally failed. Then came concession—concession not unaccompanied with dereliction of principle—and it was now seen that it had failed too, and he would, therefore, press on the attention of her Majesty's Government to try the plan of giving the people of Ireland an united education based on the word of God.

Mr. *G. A. Hamilton* rose, not for the purpose of prolonging the discussion, neither could he add anything to the very able speech which had been delivered by his noble Friend the Member for Bandon. But he felt it his duty to corroborate the statement of his right hon. Friend and Colleague with regard to the dissatisfaction which prevailed in Ireland amongst the Protestants generally, and especially amongst the clergy of the Established Church, with whose sentiments he had the opportunity of being well acquainted, in reference to the national system of education; and he had also for himself to express the deep regret and disappointment he felt that her Majesty's Ministers had not thought it their duty, in deference to the conscientious and nearly unanimous opinions of the bishops and clergy of the Established Church, and the great body of those who formed the sincerest and best supporters of the present Government, so to modify or alter the national system, as to render it scriptural in its principle and character, which was all that they required, and therefore enable the clergy of the Established Church conscientiously to join it. He felt very strongly the inconvenience and objections to raising a discussion, and going to a division upon a question of such magnitude, and involving so important a principle as that of national education, in a committee of supply, and on the occasion of a vote for the maintenance of an existing establishment; and, in order that this great question might be raised properly, and discussed fully and fairly, and on its principle, it had been his intention, if the Irish estimates had come on at the usual period of the Session, to have given timely notice, that on the motion that the Speaker do leave the chair, he would move as an amendment a resolution to the effect, that no system of national education is sound in its principle, or worthy of support by the state, in which the supreme value and importance of God's holy word are not distinctly recognised and practically inculcated as the very basis and foundation of education, that the value and importance of God's holy word are not duly recognised, or practically inculcated in the national system in Ireland, and that that system has failed signally in uniting children of different denominations. From the information he had already received from many parts of Ireland, and was receiving every day, he had no doubt he should be able to establish these propositions by strong evidence. He had no doubt he should be able to prove that there was not, on the part of the people of Ireland, that indisposition towards scriptural education so generally imputed to them; and he felt confident in asserting, that the cause of scriptural education was at this moment making way in Ireland, even against the influence of the National Board. He had no right to complain, that the Irish estimates had been brought on at so early a period of the Session. He was glad the state of the public business admitted of its being so, but he would confess, he had been himself taken somewhat by surprise. He had not had the opportunity of giving the notice or completing the information which he thought necessary on the discussion of so important a question. He would not, therefore, prolong the discussion, but would add, that it was his intention to bring the subject substantively before the House at a fitting time, by moving resolutions or an address to the Crown of the purport he had mentioned.

Sir *R. Peel* said, that it had not been his intention when he came down to the House to have taken any part in this debate, and he should not have risen had it not been for an observation of his noble Friend the Member for Bandon, who had delivered a speech of so much ability that he was sure the House must wish to hear him more frequently; that observation of his noble Friend was to the effect that her Majesty's Government had adopted this system of united education in Ireland merely because it might have embarrassed them to depart from that system, which his noble Friend had described as one of the legacies which had been left to her Majesty's present Government by their predecessors. Now, he could assure his noble Friend and the House, that no spirit of servile adherence to the policy of the late Government, nor any fear of encountering difficulties, would have caused her Majesty's Ministers to shrink from the responsibility of asking for a grant for another system of education in Ireland, had they felt that to be their duty; but, on the contrary, after a full consideration of the subject, they had felt it their duty to adopt the present system, from a strong impression that in Ireland, in the present circumstances of that country, great benefit would arise from perseverance in that system, and that great danger would be incurred of alienating the minds of the vast majority of the people of Ireland, if they departed from it, or made any arrangements tending to disturb its successful and progressive operation. Let the House weigh well what they were about to do, before they condemned the present system —let them bear in mind these facts— that, under the superintendence and control of a Protestant Government, they had in the last year 2,337 schools in operation, teaching 282,000 children, the most of whom, it was said, were children of Roman Catholic parents, who were contented it should be borne in mind, that their children should receive education under a system controlled by a Protestant Government. Then, as to the progress of this system—this great number of children, chiefly Roman Catholics, from the confidence of their parents in this system, conducted as it was under the control of the Government, received from the Legislature, and through masters, well instructed, an excellent secular education. The commissioners who superintended this system, stated that grants had been made for 200 new schools, which were not yet completed; but which, when completed, would be the means of affording education to 25,793 scholars, giving in all 2,921 schools, and an attendance of 347,000 children, the vast majority of these being Roman Catholics. He had had some experience, in the course of his official connexion with Ireland, on this question of education. When the attention of the Government was first called to it, they looked round for information to guide them, and he would read to the House the testimony of a man of great attainments, firmly attached to the Protestant Church, who had had great opportunities of being acquainted with this subject; who was afterwards a judge, but now, unfortunately, no more—this gentleman, Mr. Leslie Foster, was one whose testimony was of great weight; he could not be suspected of a bias towards the Roman Catholics, for, though active, he was at the same time temperate in his opposition against a concession to the Roman Catholic claims. In speaking of the system of education in 1813, Mr. Foster stated that he would not recapitulate all the painful descriptions that had been given to him of the state of the schools and the mode of education adopted in them; that in one of the returns made to him it was stated that a more disloyal or more bigoted set of men there could not be than the hedge schoolmasters of the county to which the observations referred; that the want of books was deplorable, the mode of teaching most improper and imperfect, and alike ridiculous and pernicious to the children; that the only means of education were through newspapers or such books as "The Impartial History of Ireland,"The Lives of the Irish Rogues and Rapparees," and "The Life of Moll Flanders." Instead of such books being found in the Irish schools now, or such teachers, the children in Ireland were brought up under effective and educated schoolmasters, placed under legislative control, and they were accordingly educated on the best known system. They had now there 350,000 children receiving an excellent secular education, combined, too, with an opportunity of acquiring a knowledge of agricultural pursuits. But it was said that the great majority of them were Roman Catholics. Be it so. Suppose that the whole of them were Roman Catholics, had they not realised a great public advantage by inspiring the parents of those children with confidence in the present system? But his noble Friend (Lord Eliot) had told the House that they were not all Roman Catholics, that one-eighth of them, bearing about the same proportion as the Protestants of the Church Establishment bore to the great mass of the population, were Protestants. The relative number of Protestant children in the schools did not differ from the relative number of the Protestant population to the other inhabitants of the country. But if he were convinced that not a single Protestant were to be found in these schools, still he should be loth to give up a system, by which so many were secured the advantages of an excellent education. But objections were made to the system of national education, which would be fatal if they were well founded. His hon. Friend who had spoken last had intimated that he would move a resolution that no system of education should be encouraged from which the use of the Scriptures should be totally excluded. Now, with respect to his hon. Friend and other hon. Gentlemen who thought with his hon. Friend on this subject, he must say that he respected their motives; he was grateful to them for their exertions in the cause of education, and he had a great admiration for the perseverance which they had manifested—in many cases amidst circumstances of severe privation and depression—in promoting schools for the education of the people in Ireland; but he did say, that the views taken by the Government of the principle involved in the question before the House, was by no means a novel one in Ireland; and it had been always maintained that if they were compelled to offer the Irish a system of education founded, as his hon. Friend proposed, on the use of the Scriptures, it would have the effect of alienating from the schools a great portion of the Irish Catholics. In the year 1827 a commission was appointed by the Crown to inquire into the education of the poorer classes in Ireland, and he would beg the House to observe who were the commissioners then appointed. The final report bore the signatures of William Armagh (Stuart, Archbishop of Armagh), Charles Cashel, (Broderick, Archbishop of Cashel), James Killaloe, (the Protestant Bishop of Killaloe), Isaac Corry, (the Chancellor of the Irish Exchequer), Thomas Elrington, (the Provost of Trinity College, Dublin), Richard Lovel Edgeworth, J. Whitethorn, John Leslie Foster, Member of Parliament for the County of Dublin—all of them, with the exception of Mr. Edgeworth, he believed, were decidedly adverse to concessions to the Roman Catholics. They were instructed to inquire into the state of education in Ireland; into the state of those establishments for education conducted exclusively upon the principles of the Established Church; those Protestant charter schools in which the children received a Protestant education only, and they were to report what had been the effect produced by these seminaries in regard to general education. They did report that these schools were total and unqualified failures. This commission, consisting of eight members, of whom five were members of the established Church, in their report with respect to education, said, that they thought a system might be introduced to improve the education of the lower orders in Ireland. They go on to say—

> "That such will be its acceptance we shall indulge the more confident expectation if all

> interference with the particular religious tenets of those who are to receive that instruction shall, in the first instance, be unequivocally disclaimed and effectually guarded against. We conceive this to be of essential importance in any new establishment for the education of the lower classes in Ireland; and we venture to express our unanimous opinion that no such plan, however wisely and unexceptionably contrived in other respects, can be carried into effectual execution in this country, unless it be explicitly avowed and clearly understood as its leading principle that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or description of Christians."

Then, as to the use of the Scriptures, or scriptural extracts, the commissioners say—

> "It appears to us that a selection may be made, in which the most important parts of Sacred History shall be included together with all the precepts of morality, and all the instructive examples by which these precepts are illustrated and enforced, and which shall not be liable to any of the objections which have been made to the use of the Scriptures in the course of the education. The study of such a volume of extracts from the Sacred Writings would, in our opinion, form the best preparation for that more particular religious instruction which it would be the duty and, we doubt not, the inclination also of their several ministers of religion to give at proper times, and in other places, to the children of their respective congregations."

Now, these principles had been precisely followed in the system at present established in Ireland. It was the system which these eight commissioners, five of them being members of the Established Church, and three of them bishops, had recommended; and, viewing the peculiar difficulties with which it was necessary to deal in Ireland, if they said that in Ireland they would not agree to establish any system of education unless it were exactly the same as that which they established in England, they must fail. There was no analogy between the cases, and it was therefore not right to say that they were bound to pursue the same course in Ireland that they adopted in England. Let it be observed, that it was the nature of the education that was given under the old system in Ireland, and the character of the books used in the schools there, that brought home to the minds of the prelates and others who composed this commission, the fact that the education given was not safe for the Established Church, and they consented to that which might be called a compromise, but which must be yielded to if they wanted to have any system of education at all. Mr. Leslie Foster observed—

> "We seem to have a choice of but two general modes of proceeding, either to have separate schools for the Roman Catholics and Protestants, and to teach them each the principles of their respective religions, or to unite them in the same schools, within which the points of their religious differences must never be adverted to. The first, though it may appear to some the most plausible, may, on consideration, be found highly objectionable. To promote the intercourse between the Protestants and Roman Catholics in all possible manners appears to me of the greatest importance, observing, as I always have, that their mutual prejudices abate in proportion as they become acquainted with each other, and that an increase, not of dislike, but of toleration, is the effect of this collision."

Let it be remembered, when hon. Members said that few Protestant children attended these schools, that the situation and circumstances of the Protestant population were somewhat different from that of the rest of the population—that the Protestants were generally opulent, that the number of children of Protestants requiring gratuitous instruction was comparatively small, and generally speaking, they might conclude that a gratuitous education would not be accepted by a great proportion of the Protestant part of the population. But, however, this might be in other parts of Ireland, in the south circumstances were such as not to enable the Government, if they were disposed, to find the means of an exclusively Protestant system of education. In a parish, where perhaps, there were not twenty Protestant children, first ask how many would accept a gratuitous education, and then with the remainder, think how difficult it would be for the Government to establish a school for imparting an education such as would be effectual. Mr. Leslie Foster, in speaking of the south of Ireland, seemed clearly to point out the expediency of mixing the Protestants and Roman Catholics in the schools. He said—

> "There is no plan more calculated to disconnect Protestants and Roman Catholics, than by setting Protestant schools against Roman Catholic schools, and allowing the pupils to look with jealousy upon each other."

This was the opinion of a man not influenced by party feelings, and of as much experience as was possessed by any who had turned their attention to the subject, and he distinctly stated, that if they wished to establish for ever a line of separation between the Protestants and Roman Catholics, that the way to effect it would be to set up rural Catholic and Protestant schools, and to allow the children to view each other with those feelings of animosity which such circumstances would be sure to inspire them with; and therefore he confessed that it would be with the utmost unwillingness that he should abandon the hope of seeing the national system successfully prosecuted. He knew that the number of Protestant children educated under that system was not so great as he could wish; but he could not help thinking, that if the Protestant clergy would take this view of the case which the five members of the Established Church, including three right rev. prelates and the provost of Trinity College, took in the commission of 1827,—if they could reconcile it to their consciences to think with the Archbishops of Armagh and Cashel, and the Bishop of Killaloe, and the provost of Trinity College, that this system might properly be adopted, which, though five days in the seven were devoted to secular instruction, was in reality founded on the Scriptures,—if in the two remaining days of the week the Protestant clergy could reconcile it to their consciences to attend to educate the children of the establishment in the principles of the Established Church,—he believed that the obstacles which had been hitherto found to interfere with the progress of this measure would be removed, and great benefit would accrue to Ireland. He respected the conscientious scruples which were entertained by the clergy of Ireland, because he knew those scruples to be sincere, and he must always speak with the highest respect of the clergymen of the Established Church in Ireland; but if the view of the highest ecclesiastical authority in that country with respect to this subject was adopted, it would contribute very materially to the successful carrying out of the system. It was not because the late Government had adopted that system, that the present administration had subscribed to it. From the accounts which two or three years ago he had heard of it, he had feared that it had proved unsuccessful, and under that impression he came to consider its claims and its merits, without much prepossession in their favour; but when he had inquired into it—when he had seen it in all its forms—he had come to the conclusion that it was their duty to maintain it as they had found it. What would be the consequence, if they were to give support to plans for the separate education of children belonging to the establishment? If this were to be done, all Protestant children would be at once withdrawn from the national schools. They would have a separate Protestant school and a Roman Catholic school in every parish, for they might be sure that if the Protestant parents had the option of sending their children to the national school, or to one where they would be educated in the principles of the establishment, that the influence of the clergy would always cause the exclusively Protestant school to be preferred. What would be the consequence? They would have a system under which Roman Catholic children would exclusively be educated. If they had, as they would thus have, a system sanctioned by the State for Roman Catholic children—why not have one for the children of the establishment—why not have one also for Presbyterian children? Was it not likely that if two such systems were adopted, that the Presbyterians would require a third for themselves? He would tell them, that were such plans adopted as recommended by the advocates of the separate system, that in two years they would have one education system under the control of, and intended for, the establishment; another of the Roman Catholic Church, teaching her principles, and superintended by her ecclesiastics; and a third for the Presbyterians, teaching Presbyterian doctrines, and controlled by the Presbyterian church. In his opinion, the practical operation of such a system would be probably to improve the children in the knowledge of the doctrines of the particular system of faith in which they were born. The polemical instruction in each of the schools might be improved, but the practical effect would not be to conciliate rival sects—nor to abate religious animosities, but to produce new religious enmities, and to deepen those already existing. He felt that it was his duty to state, that in maintaining the present national system of education in Ireland, the present Government did not adopt it, because they found it established, but because they believed that the greatest practical benefits were now derived from it, and that if they could conciliate the confidence of the Roman Catholics in that country by the nature of the education which they gave, and the commissioners they appointed, they would have the best prospect of improving the morals of the people, of gaining their affections, and diminishing those unfortunate differences which had so long disturbed that country.

Mr. *Sharman Crawford* said he had the misfortune of seldom being able to support the measures of the Government; but on this occasion he was happy to say he could give his full concurrence and support to the measure proposed and the sentiments expressed by the right hon. Baronet at the head of that Government. He considered that great good would be produced by an united education in Ireland. It would tend, by the early mixture of young people in the same school, to take away the prejudices and the bitterness of feeling which in after-life produced such injurious effects on society in that country; and he was of opinion that the system adopted under the National Board was the best which could be devised for that purpose under the difficult circumstances which existed. He lived in the north of Ireland, and could say that the system was decidedly successful in that part of Ireland, so far as respected the children of Presbyterians and Roman Catholics. Both these classes went in common to the schools, and were educated together; but he regretted to say that the clergy of the Established Church still thought themselves called on to oppose the system, and in consequence, there was a reluctance on the part of that section of Protestants to make use of these schools. The right hon. Baronet had truly pointed out the objections to a separate grant to the Established Church. He had stated that each of the other sects would then require separate grants also. Even if a grant were given to the Established Church, the cause of discontent would not be removed, but on the other hand very probably aggravated. Would the Established Church be satisfied with a grant proportioned to its population, as compared to the population of the other religious sects of which the Irish community was composed? He believed that the proportion of the church would not exceed a tenth of the whole grant, the Presbyterians would obtain another small fraction of the grant, and the Catholics would necessarily absorb the great proportion of whatever sum the state should allow. He was quite convinced that this division would be attended with irritated feelings, and would keep up continued discontent—estranging in a greater degree from each other the several religious denominations, and giving a greater power to the extension of sectarian principles.

Mr. *Lefroy*, always reluctant to trespass upon the time of the House, yet he felt it a necessary duty to express his opinion on the present occasion, and the more so, after the sentiments which he had, with much pain, heard expressed by the right hon. Baronet at the head of the Government. The right hon. Baronet had treated the question as if it had been proposed that the Church Education Society should be substituted for the National School Society. He had not heard from his hon. Friends about him any such proposition, but he heard them express deep regret, in which he sincerely concurred, that as the Government were determined to continue the national system, they had not felt it their duty at the same time to consider the feelings and wishes of the prelates and laity of the Established Church in Ireland, and at least propose a grant for the education of children of that persuasion in conformity with their religious opinions. He felt some difficulty in alluding even to the letter addressed by the right hon. Baronet on that subject to the highly revered prelate who was at the head of the church in Ireland (which, almost in a single sentence, blighted all the hopes that had existed of a different plan being pursued), lest he might be tempted to depart from the temperate and conciliatory course which the prelates of Ireland had adopted and recommended to all who agreed with them, and which he felt was most becoming so grave and so important a subject; but this much he might be permitted to say, that the blow was as severe as it was unexpected. Whilst he expressed his unfeigned regret that the Government had acted thus to the Church Education Society, he was most anxious to guard himself against the House supposing that he preferred a separate grant being made for the education of Protestants and Roman Catholics in Ireland. He had ever desired to see the children of both religious persuasions trained up together, and, whilst free from the bitterness which too often arises in after life, taught the first lessons of good will and kindness by those scriptures which are the grounds of their common hopes, and the only security for a truly moral life. For this reason he had always been a warm supporter of the Kildare place system; but as the means of usefulness of that society were now so restricted by the withdrawal of the public grant, he felt an increased disappointment that the Government refused any support for a religious education in Ireland, and this at a moment when it was admitted to be so important for England. He must express his deep regret that, whilst the right hon. Baronet seemed to think that Great Britain and Ireland should be assimilated in all matters of civil policy, as respected the all-important subject of religious education (which alone could thoroughly assimilate them), an actual difference must be maintained between them. He thought it was acknowledged generally in that House that a religious education was the only useful one. His noble Friend, the Member for Dorsetshire, had stated in the debate on a similar subject for England, "that it was only to the gospel they could safely look for the lessons and practice of true morality" (Cheers.) This sentiment was cheered by the opposite side, and was it denied by her Majesty's ministers? On the contrary, the right hon. Baronet, the Secretary for the Home Department, sanctioned it by saying "all acknowledge that a religious education is, after all, the only true and safe one." He had the opinion of another no less important member of the ministry on this subject—he alluded to his right hon. Friend the Vice-president of the Board of Trade—not, indeed, expressed in this House, but in the great town of Liverpool, from whence it spread and was heard with satisfaction through the length and breadth of the land. He stated,

> "It was a great truth that education, to be valuable and to deserve the name, must be a religious one, and to be religious must be founded on the definite word of God."

Such were the declared opinions of the right hon. Baronet's own colleagues for England, and he had not yet heard it explained why as respected Ireland the case was different. He could not understand why the right hon. Baronet quoted the opinions of three deceased persons however estimable they may have been in their lives, as of greater weight than his own colleagues—but still more as of higher authority than almost the entire bench of living bishops. They and a great body of the laity of the church in Ireland were now united upon the point of a Scriptural education. It was, therefore, unnecessary for him to discuss the point whether they were right or wrong. He thought they were right, though he differed from the noble Lord the Secretary for Ireland in this opinion. It had been said, that if a grant were made to the Church Education Society, the Roman Catholic children would be withdrawn; but facts contradicted this, as proved by his noble Friend the Member for Bandon. He would in conclusion, add, that he trusted the day would yet come when the Government would be convinced that as in England, so in Ireland, their only hope of maintaining the regard and confidence of the vast portion of the inhabitants of that country must be founded on an avowed determination not to subordinate religion to policy, but to consecrate policy by subordinating it to true religion.

Mr. *V. Smith* was astonished to hear the right hon. Gentleman who had just spoken lay down the principle that the system of national education in Ireland was not a system of religious education. It appeared to him to be an eminently religious though it might not be a sectarian education, and that but for this they would have avoided a great part of the difficulties they had encountered. When the hon. Gentleman said that all the prelates were averse to this system, he forgot that the Archbishop of Dublin sat at the board of education, and that, however he might differ from them, the opinions of that rev. Prelate were entitled to great respect. As they would soon have another opportunity of discussing this question, he would now only further say that he had listened with great admiration to the manly and statesmanlike speech of the right hon. Baronet, and that he cordially concurred in his deliberate sanction of this system as the best system of education that could be established in Ireland.

Mr. *Hardy* quite agreed with the hon. Member for Longford, that they could not call that a religious education which was not founded on revelation; why was revelation excluded from the schools? The extracts used did not contain the great doctrines of religion, nor were they in the language of Scripture. They might afford a moral education, but there was great difference between that and a religious education. They were told by the highest authority to search the Scriptures; but in these schools the command was not obeyed. The Scriptures were not to be searched there. If there were no difference between the religious education which a conscientious Roman Catholic would like his children to receive, and that which a conscientious Protestant would wish his children to be imbued with, why, in God's name, had they the great revolution—why did the Church of England now occupy the situation which the Church of Rome occupied here before her—and why was the Queen of this country placed upon the Throne formerly occupied by the Stuarts? And therefore, if the right hon. Baronet called the national system a religious system of education, he must admit that religion could be taught without reference to revelation. And how he could prove this, even with all his transcendant genius, he (Mr. Hardy) could not conceive. There was this difference between the Churches of England and Rome: one was founded upon Scripture—and the other excluded Scripture. [No, no.] He repeated it—the Roman Catholic Church excluded Scripture from her schools, and therefore the arrangemeut come to was, no compromise on the part of the Church of Rome, but a surrender of the principles of the Church of England—a surrender of that which constituted the great distinction between the two churches. Our translation of the Scriptures was a good and an honest one, but in some of the publications of the Church of Rome, our translation was said to teach the doctrines of the devil. He regretted that the Church which called itself infallible, had never produced an infallible translation of the Scriptures. That Church could find fault with our translation, but it could not produce a better. If the right hon. Baronet desired to introduce a system of moral education in Ireland, he should be prepared to agree that the children should meet and receive such an education together, and that their religious instruction should be received elsewhere.

Lord *Eliot* must say a few words on the part of the Board of Education. He must remind his hon. Friend who had just sat down, that under the existing system, the Holy Scriptures were not excluded, and that the only limitation required was, that they should be read at a fixed and prescribed hour—whether that hour was at the beginning, the middle, or the end of the day, it mattered not—in order that an opportunity might be afforded of withdrawing at that hour those children whose parents objected to the use of the Scriptures in the form prescribed. His hon. Friend asserted also, that the revelations were excluded from the extracts used at the national schools; but, surely the revelations were not excluded from the Gospel of St. Luke, the whole of which formed part of those extracts? With regard to the form in which the Scriptures were used, it was certainly neither the Douay nor the authorised edition of the Bible that they read, but what he believed to be a correct, authentic, and perfectly sound version of that holy book. He must also remind his hon. Friend, that two days were set apart for religious instruction exclusively.

Mr. *Kemble* deprecated the introduction of questions of religion into debates in that House, for he considered that that was not the proper place for them, and that they were but too likely to give rise to angry feelings. After having seen the reports of the commissioners, and having had an opportunity of looking into the working of the present system of education, he had no hesitation in saying that, on the grounds on which it had been recommended by the commissioners, it was an utter and entire failure. As he understood, it was to have united all denominations of Christians under one general system of education, by which there should be no compromise of principle, and which would form the means of softening down the asperities of religious rancour into one general sentiment of charity and benevolence. But such, he regretted to say, had not been the result. Walking on one occasion through the streets of Newry, he inquired where the national school was, and could not learn, but was informed that there was a nunnery school, and this he found to be the national school of education. He went into it, witnessed the mode in which the children were instructed, and when asked to record his opinion of it, certainly did express himself to have been much pleased with it, as far as cleanliness, regularity, and general education were concerned; but he did maintain that this was not a school which could be called "national;" that a school which was to unite different denominations of Christians could not be held in a nunnery. He would not join in that general condemnation of the extracts from the Scriptures which were used, in which the hon. Member for Bradford had indulged. Those which he had seen appeared to contain much that was commendable and desirable to be imitated, for they appeared to combine the Old and New Testament, and by that means to afford explanations of both, which were highly advantageous. He complained, however, that these extracts were not read in the schools, and that the commissioners did not insist upon their being read, only making it a matter of mere recommendation. He did not know what the sentiments were of those Gentlemen whose reports had been that evening quoted; but he believed that Baron Foster had never given his sanction to that system. It was well known that the Presbyterians, in consequence of some concessions or what they conceived to be concessions, after having been opposed to the system, became parties to it; but he could not regard that as a national system against which a large body of the Church of England, whether rightly or wrongly, strongly protested, and from which many of the clergy had severed themselves.

Mr. *Ross*, without meaning to doubt the hon. Member who had just spoken, must say that he knew of no school, attached to the nunnery of Newry, which was under the auspices of the Education Board; but he did know that an application to the board for money to improve the national school-house was refused on the ground that the parish priest lived within its precincts. That being the case, it seemed to him very unlikely that assistance would be given to a school held in a nunnery. If the system suggested by the hon. Member for Bradford were carried out, there could be no education in Ireland at all, for, according to the hon. Member himself, the Roman Catholics would not avail themselves of a system which required the whole Scriptures to be read from beginning to end. That the Scriptures or revelation were excluded at present, he denied; for, as the noble Lord stated, the entire Gospel of St. Luke was included in the extracts, and that Gospel every child was encouraged to read; and if the hon. Member for Bradford was a believer in the Scriptures, he must confess with him, that the words of eternal life were in that Gospel. Different sets of children might be brought up in opposite views of the same parts of the Scriptures—so that it all depended, not on what they read in the schools, but what instruction they received out of the schools, and what views they were taught to entertain of the parts they did read. With regard to the translation which had been objected to, he believed, although there might have been some little compromise on the subject of the extracts that it was perfectly fair. But as there were mistakes in the translation which was read in all the churches of the Establishment, and meeting-houses of the Dissenters, it was possible, that errors might also be found in those portions of the Scriptures which were read in the national schools. But he believed they contained no errors of grave importance, while they certainly did fulfil the great object of placing the children who read them within the capacity of knowing the vital truths of Christianity, and were not, therefore, liable to the censures which had been so liberally cast upon them. He was not only a Protestant, but he might say a double-distilled Protestant—and as such, he had no hesitation in saying that he regarded with approbation all that had been done by the late and the present Administration towards conferring on his countrymen the blessings of a moral and religious education. In what had been stated by the right hon. Baronet he fully concurred. That the books now in use were of a superior order to those hitherto employed, he could bear testimony; but he believed that the inadequate supply, previous to the introduction of the new system, was owing to poverty. He remembered going into a village some years ago, where the youth of the neighbourhood were instructed, and there he found a lad, who, he believed, was destined for the profession of a priest, learning Latin, and what did hon. Members think was the work by which a knowledge of the language was imparted to him? It was Ovid's "*Art of Love*." In this respect there was an improvement. He sincerely hoped, therefore, that the Government would persevere in their present course, and turn a deaf ear to all revilings on the subject, and to all appeals, come from what quarter they might, to alter the existing system of national education in Ireland. By doing so, he was convinced that they would earn a rich reward in their own consciences, and in the gratitude of the Irish people.

Sir *V. Blake* concurred with the hon. Member for Surrey in the impropriety of introducing religious discussions into that House. But he could not help remarking upon the egregious error into which the hon. Member for Bradford had fallen, in saying that the Catholics objected to the use of the Bible, and that they did not allow the introduction of revelations into their religious education. What they objected to was the abuse of the Bible, and for this objection he thought good grounds existed. He begged also to say, that the revolution was effected not to subvert the Roman Catholic religion, but to establish the civil liberties of Englishmen.

Mr. *Brown*, as a Roman Catholic, begged leave to say, that they did make use of the Bible although they did not use the English version. In the county of Kerry, which he represented, the national system of education was most successful, most perfect, and free from objection.

Mr. *Shaw* said, there was one statement of his right hon. Friend (Sir R. Peel), which he (Mr. Shaw) could not let pass without correction; it was, that the system recommended in the 14th report of the Commissioners of Education, of 1812, signed by the Archbishops of Armagh and Cashel, and Bishop Elrington, was the system adopted by the present National Board, and now objected to by the episcopal bench in Ireland. So far from it, he had in his speech that night—when his right hon. Friend was not in the House—quoted from and expressed his concurrence in the principal sentiments that report contained. The present Primate had on public occasions done the same. But, what was still more important, the only two of the individuals who had signed that report, and who lived to see the present national system proposed, had openly protested against it, as totally different from the one recommended in their report. These were Dr. Elrington and Mr. Leslie Foster—they objected both to the schools—which, according to their report, were to have been supplementary to the church schools, and to the Scripture extracts, which they had hoped could be agreed on by both churches; whereas those at present recommended, but not enforced by the National Board, had been altogether objected to by the authorities of the Established Church—and had, in fact, fallen into general disuse. Again, his right hon. Friend was in error in the suggestion he had made to his noble Friend (Lord Eliot), that one week day was set apart for separate religious instruction. It was true that had been originally recommended by the board; but the practice of late years had been generally, if not universally discontinued.

Sir *R. Peel* never heard a statement with greater satisfaction than that of his right hon. Friend, who, from his position, was a high authority in Ireland, and who said the Primate of Ireland, concurred in the principles of the report. He would read from the report the principles in which they concurred. The commissioners declared it as their unanimous opinion:—

> "That no principles of national education, however wise and unexceptionable in other respects, can be carried into effect or execution in Ireland, unless it be explicitly avowed and understood as a leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect whatever."

In another place they recommended the study of a volume of extracts from the sacred writings as forming the best preparation for a more particular religious instruction.

Vote agreed to.

SUPPLY—PROFESSORS AT THE UNIVERSITIES.] On the question that 2,006*l.* for the salaries and allowances to the professors at the Universities of Oxford and Cambridge, be granted to her Majesty,

Mr. *Hume* rose to object to this vote. The universities possessed private funds of their own, and the House was not in possession of any means of ascertaining how those funds were appropriated. Under those circumstances it was not fit that the House should vote away the public money. He wished, therefore, to know from the right hon. the Chancellor of the Exchequer, whether he could give any explanation of the appropriation of the private funds, and he ventured to submit to the House, that until they had such an explanation, they should not agree to this vote.

The *Chancellor of the Exchequer* did not know whether the committee would agree with the hon. Member, that this vote should be refused; but he thought that the committee would be hardly disposed to concur in that proposition. It would be remembered that the universities were corporate bodies, having private funds at their own disposal for specific purposes, limited by their own statutes. If these funds were mismanaged, it was open to any one to take the same course with a view to a remedy which might be taken in reference to other corporations. The universities had been established altogether independent of the Crown; but after a time, out of the liberality of the Sovereign, a sum of money was appropriated to them out of its hereditary revenues. When an alteration took place with regard to the civil list, the charge in this respect was transferred to the estimates, and it now rested with Parliament to reject or grant this vote. He could not help remarking that the Crown derived considerable revenue—even to an amount greater than the grant to the universities—from the duties payable on the distribution of honours.

Dr. *Bowring* thought that the objection of his hon. Friend applied more strongly to Oxford than to Cambridge; because, while at the latter place dissenters were allowed to study, at the former they were excluded from all participation in the liberality of the country.

Mr. *Hume* thought that the right hon. Gentleman had not answered his question; for it might be that the universities had funds of their own so large as to make any further vote unnecessary.

Vote agreed to.

Supply—Maynooth.] On the proposition of a vote of 8,928*l.* for the Roman Catholic College at Maynooth,

Mr. *Plumptre* rose and said that he should not enter now into any discussion upon the subject of this vote, but he should take the sense of the committee upon the vote.

Mr. *B. Cochrane* also opposed the vote, but would defer any lengthened observation until the motion of which he had given notice, should come before the House. A committee would be better able to judge of how far that system of education had been prejudicial to the country. With respect to the bearing of this question on the point of keeping faith with the Irish Union, the fact of the grant being annual, was of itself evidence that Parliament might at any time discontinue it. He had heard it said, that the articles of the Union would virtually be violated by a refusal of the grant, but he had that day read the fifth article of that Union, by which the Church of England was made the Established Church of Ireland, and he confessed he could not see how, by supporting a Roman Catholic establishment in Ireland, they could say that they were acting up to the principles of the Union. There was no reason, in connexion with the original foundation and subsequent support of the College of Maynooth, why such a sum as upwards of 8,000*l.* a-year, should be given to it. They certainly could never forget that the Roman Catholic religion was the religion of their ancestors, and it was in no feeling of disrespect for that religion that he made these remarks; but he considered that, having declared the Protestant religion to be the religion of the State, the State ought to act towards it as a parent to his child, and that it was its bounden duty in no way whatever to hold doctrines that were in opposition to the established religion of the country. He was wholly opposed to all those declamatory allusions to the Roman Catholics which were too frequently heard. He respected the doctrines of the Roman Catholics though he was himself a Protestant. [Mr. *Plumptre*: "Hear."] Surely, with all deference to the hon. Gentleman, he might be permitted to respect the opinions of another man, although he differed from them, and though he knew that many who were in the habit of speaking in Exeter Hall and elsewhere, might therefore consider him not a good churchman. But he did respect the faith of his ancestors. At the same time, however, that he respected that faith, he would ever uphold the doctrine of his own creed, to which that faith was opposed, and it was his intention, after the Easter recess, to move for a committee to inquire into the system and effects of the education at Maynooth, considering that that would be the best mode of dealing with the subject.

Mr. *Hardy* said, that at a recent meeting of the Repeal Association in Dublin, three priests of Maynooth contributed to the fund for the repeal of the Union.

The committee divided:—Ayes 120; Noes 40: Majority 80.

List of the AYES.

Acland, T. D.
Aglionby, H. A.
Aldam, W.
Arundel and Surrey, Earl of
Baillie, Col.
Balfour, J. M.
Baring, hon. W. B.
Barnard, E. G.
Beckett, W.
Blake, Sir. V.
Boldero, H. G.

Botfield, B.
Bowring, Dr.
Bramston, T. W.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buckley, E.
Buller, E.
Busfeild, W.
Chelsea, Visct.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Corry, rt. hon. H.
Courtenay, Lord
Crawford, W. S.
Damer, hon. Col.
Duke, Sir J.
Duncan, G.
Eastnor, Visct.
Eliot, Lord
Ellice, E.
Escott, B.
Esmonde, Sir T.
Ewart, W.
Flower, Sir J.
Forster, M.
Fox, C. R.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimsditch, T.
Guest, Sir J.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hatton, Capt. V.
Hawes, B.
Heathcoat, J.
Heneage, G. H. W.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hindley, C.
Hollond, R.
Hope, hon. C.
Hope, G. W.
Hume, J.
Hussey, T.
Jermyn, Earl
Johnstone, H.
Knatchbull, rt. hn. Sir E
Lambton, H.
Langston, J. H.
Layard, Capt.
Leicester, Earl of
Lincoln, Earl of
McGeachy, F. A.
Mahon, Visct.
Manners, Lord J.
Marshall, W.
Martin, C. W.
Mitcalfe, H.
Mitchell, T. A.
Murray, C. R. S.
Napier, Sir C.
Nicholl, rt. hon. J.
Ord, W.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumridge, Capt.
Pollock, Sir F.
Praed, W. T.
Pulsford, R.
Pusey, P.
Ross, D. R.
Scholefield, J.
Seymour, Sir H. B.
Smith, rt. hon. R. V.
Smith, rt. hon. T. B. C.
Smythe, hon. G.
Stanley, Lord
Stanley, E.
Stewart, J.
Stuart, W. V.
Stock, Mr. Serj.
Strutt, E.
Sutton, hn. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, F.
Thornely, T.
Trench, Sir F. W.
Villiers, hon. C.
Vivian, J. H.
Vivian, hon. Capt.
Wawn, J. T.
Wood, Col.
Wood, Col. T.
Wood, G. W.
Wortley, hon. J. S.
Young, J.

TELLERS.
Freemantle, Sir T.
Gaskell, J. Milnes

List of the Noes.

Ackers, J.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Bateson, R.
Bernard, Visct.
Broadwood, H.
Buller, Sir J. Y.
Christopher, R. A.
Clayton, R. R.
Colvile, C. R.
Filmer, Sir E.
Fuller, A. E.
Gore, W. R. O.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hamilton, G. A.
Hardy, J.
Hodgson, R.
Ingestrie, Visct.
Kemble, H.
Lawson, A.
Lefroy, A.
Mainwaring, T.
Marsham, Visct.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Mundy, E. M.
Newdegate, C. N.
Repton, G. W. J.
Russell, J. D. W.
Ryder, hon. G. D.
Sibthorp, Col.
Smith, A.
Tollemache, J.
Verner, Col.

TELLERS.
Plumptre, J. P.
Cochrane, A.

The vote agreed to.

Supply—British Museum.] Sir *R. Peel* said, that he had then to propose the annual vote for the British Museum, but as there were such ample details with respect to it in a paper which had been laid on the Table, it would not be necessary for him to go into any lengthened explanation. The estimate was 2,640*l.* more than that of last year. The chief of this increase was 1,500*l.* for the completion of the collection of English scientific works in the library. Another addition was an increase of 450*l.* for binding books. He was happy to state, that there had been a great increase in the number of visitors during the last year. In 1841, the number of visitors was 319,000, while last year the number had increased to 547,000, showing an increase of 220,000 in one year. He thought that after this it was unnecessary for him to say one word more in recommendation of the vote. He should, therefore, propose that the sum of 32,576*l.* be granted for the establishment of the British Museum, for the year ending April 5, 1843.

Mr. *Hume* agreed with the right hon. Baronet, that the circumstance of the great increase in the number of visitors was most satisfactory; but this showed that formerly the trustees of the Museum had not properly estimated the character of our countrymen. But there was no reason why this useful institution should not be made even more useful than it was at present. He objected to the constitution of the trustees who had the control over the institution, and who formed almost a self-elected body of thirty-eight persons. Of these, twenty-eight were *ex officio*, and the remainder were the representatives of the families of Sir Hans Sloane, and other persons. Some years ago it was considered a great thing to allow seventy-five persons to be admitted to the Museum on three days in the week. In the year 1804, when Mr. Rose proposed the vote for the British Museum, he said,

> "That the trustees of that institution had adopted a variety of regulations, by which every possible degree of accommodation would be afforded to those who were desirous of visiting that interesting establishment. It was now provided that seventy-five persons might be admitted per day, three times a week, and that even those who applied in the morning might be admitted in the course of the same day. Regulations were also adopted for admitting private parties three times a week, and orders had likewise been issued for an easy and regular access to the reading-room. In short, it would appear that the Museum promised to furnish the means of being both useful, instructive, and adequate to the gratification of the public curiosity."

What a contrast did this afford to what took place at present, when not less than 30,000 persons were admitted without inconvenience or risk in the course of one day. Still he thought that the constitution of the controlling body at the Museum should be changed, and that the public money should not be placed in the hands of persons over whom the Government had no control. He thought that the superintendence of this establishment should be placed under some responsible officer of the Government, by which means the public would enjoy much greater benefits from the institution than it did at present. If the matter was left to the control of a body like that of the trustees of the Museum, the public never would obtain the full advantages which they should enjoy. He complained of the exclusion of children under eight years of age from the Museum. At present even children in arms were admitted to Hampton Court Palace, and no inconvenience was found to result from such an arrangement. He also thought that the Museum should be open to the public, after one o'clock on Sundays, and also an additional day in the week.

Sir *R. Peel* said, that the hon. Gentleman had stated that the Government had no control at the board of trustees of the British Museum, whereas six members of the cabinet were *ex officio* trustees. So far, too, from their having no influence, the First Lord of the Treasury had always a very great influence, as it must be with his sanction that the vote was proposed; and he would venture to say that any reasonable suggestion as to the management of the Museum made by the First Lord of the Treasury would be attended to by the trustees. The hon. Gentleman stated that formerly only seventy-five persons were admitted to the Museum each open day in the course of a week, whereas at the present time not less than 30,000 had been admitted in a single day. Did not this circumstance prove that the trustees of the Museum were anxious to afford every facility for the access of the public? In the year 1840, the number of visitors was 247,000; in 1841, it was 319,000; and last year the number had increased to 547,000. If, then, the hon. Member would contrast the present management with that which obtained formerly, he would find that there was every desire to afford accommodation to the public. Again, in the year 1810 the number of visits made to the reading-rooms for the purposes of study was 1,950; in 1815 the number was 4,300, but last year the number was 71,000. It was to him most gratifying to find the large number of persons that passed through the Museum without any circumstance occurring that could reflect even the slightest discredit on them. The orderly and decent conduct of the visitors to the Museum, even on the most crowded days, must afford the utmost gratification to every reflecting mind. The habit of order inculcated by visiting this institution in this way must have a great moral effect, and this was produced in addition to the gratifying the curiosity of the people. With respect to the admission of young children to the Museum, he would only observe, that they might be exposed to inconvenience and some risk in a crowded day; for instance, on any occasion when 30,000 persons passed through the Museum. So far also, from the trustees not being willing to adopt the recommendation of the committee, he would observe, that they were gradually doing so; and in the present year they had made arrangements to carry out the recommendations of the committee with regard to the synopsis. Again, the public were greatly indebted to the enterprise of Mr. Fellowes for a most valuable addition to the contents of the Museum, in the shape of the Xanthian sculptures; and the trustees of the Museum were about to send out that gentleman again to Asia Minor, to endeavour to obtain an additional number of these valuable remains of antiquity.

Mr. *Hume* considered it most desirable that a cheap catalogue of the contents of the Museum should be published. The publication of cheap catalogues of the National and other picture galleries had been productive of the greatest advantage. After many ineffectual attempts to induce the authorities at the National Gallery to issue a cheap catalogue, he had printed a catalogue at his own expense, which was sold at a penny, and the reception which it met with showed how much the public had been in want of such an accommodation. On the very first day of its appearance, while only four of the shilling catalogues were sold, the persons who were stationed at the door of the gallery with the penny catalogues, though they came rather late in the day, sold 147 of them. The catalogues the purchasers took home with them, and everybody must see that such a work, lying on a poor man's table, must at once refine the minds of himself and his family, and operate as an inducement to his neighbours to go and view the works of art which had so pleased him. Similar cheap catalogues had been printed of Dulwich Gallery and other collections with vast public advantage, and it was most desirable that the poorer classes should be placed in possession of an equally cheap catalogue of the contents of the British Museum. The trustees of that institution, however, were most lamentably tardy in meeting the wants and the wishes of the people in this as well as in other respects. The utmost facilities should be given to all classes, including the lowest, for viewing all those public treasures which were calculated to refine and enlarge the mind. As to the damage which it had been the fashion with a certain class of people to predict would be done by the admission of the masses to the treasures in the Museum it was now proved that no damage whatever need be apprehended. It could no longer be justly charged against the English commonalty that they could not safely be admitted to places where foreigners might in all security be trusted. In one day, 30,000 persons of all classes, principally of the humbler ranks, had passed through the various public rooms of the Museum, and not one sixpennyworth of damage had been done to any of the multitudinous objects which were exhibited. The conduct of the humbler classes, on all these occasions, was stated by the officers in attendance to be most exemplary; the persons who had behaved themselves with the least propriety being precisely what the witnesses before the committee termed the "half-and-half, or would-be gentry;" and this improvement in the character and conduct of the lower classes was attributed, by Mr. Mayne and Col. Rowan, precisely to the greater confidence which was placed in them. Why, too, should the masses not be admitted freely to our cathedrals? Never, he would assert, had the rudest countryman passed through and viewed one of these sacred edifices without awe, without having a higher class of feeling excited in his mind than he was ever before conscious of. As it was, the cathedrals were only open gratuitously during divine service, and thus it happened that the hours which ought to be solely devoted to purposes of piety and religion were broken in upon by the confusion of persons seeking to gratify that curiosity which they were precluded from indulging at any other time. It therefore appeared to him that Westminster Abbey, for instance, ought to be gratuitously open for public inspection two or three hours in each day. The divine service would thus be uninterrupted, and in every other point of view the advantages would be of a most important character. Sir F. Chantry had mentioned to him, but a short time before his death, that it was entirely owing to his having been accidentally admitted to view a fine group of children in sculpture that had directed his own mind to that branch of art from which that gentleman had received, and to which he had added, so much glory. With the single exception of Norwich cathedral, which was open for an hour and a half on each day to the public gratuitously, all the other cathedrals, he believed, were closed, except during divine service, or on the payment of fees, and thus one great means of elevating the character of the people was lost.

Sir *R. Peel* said, that the conduct of the hon. Member for Montrose, in printing a cheap catalogue of the National Gallery, was in the highest degree creditable to him; and there was not one word which the hon. Gentleman had said as to the cathedrals in which he did not entirely concur. He believed that access might be given to these edifices to the mass of the people with the most perfect safety, and that nothing but good could result from such access being freely afforded; even if any additional precautions were considered necessary in the first instance, he could conceive no better way in which a portion of the revenues of chapters could be expended. It would be but a very small portion. Since the last discussion on this subject, the House was aware that a vacancy had occurred in the deanery of Westminster. He had filled up that vacancy with a gentleman, of whom he knew nothing personally, but who was recommended to him by his high professional and personal character; and, in speaking with this reverend gentleman, Dr. Turton, on the subject, he had expressly told him that he could not give him a more satisfactory proof of any gratitude he might feel for the distinction which had been conferred upon him, than the exercising all the influence he should have, as dean, in procuring for the public free admission to the abbey. Dr. Turton had expressed his entire sympathy with him on this subject, and he had every reason to believe that the rev. Gentleman would actively co-operate with him in carrying out this most desirable object.

Sir *R. H. Inglis* was not prepared to expect a discussion on cathedrals, on a question as to the estimates for the British Museum. He would, however, not shrink from it. The hon. Member for Montrose seemed to consider that all the sacred edifices of the country ought to be open freely to the curiosity of all men. He held a contrary opinion: and did not wish to make them mere exhibitions. The chief object of attack was Westminster Abbey. Now, whatever was the case formerly, that sanctuary is now at least sufficiently open. He could call the hon. Member, perhaps, indeed, the House generally did not know the fact—that every man, woman, and child in England might enter Poet's-corner for nothing. Every person might see the nave and north transept for 3*d.* [Mr. *Hume*: Every person had not 3*d.* to spare.] And, for another 3*d.*, 6*d.* in all, he might now see every thing in the Abbey. No more was charged than was sufficient to maintain the number of attendants now required for this purpose. An unlimited and gratuitous admission of all persons could not take place without mischief, and, unless a regular inspection were maintained, injury and nuisance would be committed. He thought, that the hon. Member must have forgotten the evidence of the rev. Sydney Smith. To that evidence he could add, that very recently one of the attendants, conducting a party of six persons, missed one, and, returning, found him committing a nuisance near the shrine of the confessor. The Dean and Chapter desired nothing but to keep the sacred edifice, which is entrusted to their care, free from such scenes, and from being made a common lounge. They desire to make no profit by any charge for admission, and to collect no more than is sufficient for the payment of the attendants throughout the year; but, on the other hand, they do not feel that they are called upon to maintain this establishment at their own cost, to gratify the curiosity of their neighbours. He was sorry to hear his right hon. Friend, the First Lord of the Treasury, after all the dismemberment of cathedral revenues, intimate an opinion that no better appropriation of the income of a chapter could be made than so to provide not for the devotion but for the curiosity of the people. What, in the case of Westminster Abbey, is the special ground of this? Why, that it contains public monuments erected at the expense of the nation. What is the fact? It contains seven monuments, and no more, so erected; placed there on special application to the Dean and Chapter; and received by them without any fee or charge whatever. This gratuitous admission of the monuments does not involve, as a fair consequence, the gratuitous admission of all men, to see them; and, still less, to see every thing else in the Abbey around them. Yet this is something like the ground, on which the claim of the public, as it is called, rests. Where is the abstract right of any man to enter the Abbey, except for devotion? There is no charge for devotion. [*Cheers and Laughter.*] You charge a fee not upon those who go to worship, but upon those only who go to gaze. The hon. Gentlemen who cheered the observation, may enter the choir, for the purpose of worship, free of any charge; but if they go to see Sir Francis Chantrey's monument of James Watt, they must be content to pay their 6*d.* There is a great mistake in supposing, that continental churches are always open freely for the curiosity of all men. They are, in many places, closed, except at service times; or for money. [No, no!] Well, it is a question of evidence, in relation to a fact not necessary for the present point; and he would not discuss it here. He would rather proceed to the more immediate business of the vote at issue for the British Museum. He appealed to the hon. Member for Lambeth (Mr. Hawes) against the hon. Member for Montrose, whether the suggestions made by the committee of 1835 and 1836 had not been fairly considered by the trustees, and fairly carried out. The number of hours during which the Museum was open was greatly increased; it is open, in reality, five days in the week; since, in addition to the three days on which the public generally are admitted, it is open on two other days to artists and men of science. He believed, that the British Museum was open more hours in the day, and more days in the year than any other institution of the same class in the world. He trusted, that the Sunday would never be added to the number. He would only add, in reference to the observation of the hon. Member for Montrose about the catalogues, that it was the intention of the trustees to print cheap catalogues of each division of the collection, as well as the present synopsis of the whole.

Viscount *Palmerston* was highly gratified at what had fallen from the right hon. Baronet opposite as to Westminster Abbey. For himself, having been long acquainted with Dean Turton, and knowing his high qualities, and the liberal character of his mind, he was well persuaded that the rev. Gentleman would use all the means in his power to carry out the intentions of the right hon. Baronet. It was not a feeling of mere ordinary curiosity which drew people to Westminster Abbey, but feelings of a far higher kind.

Lord *F. Egerton* was of opinion, and he had had some experience of the matter, that the mass of the people might be admitted to public, and, he might say, to private institutions and collections of various kinds, even of the most valuable objects, with entire security. The only persons whom, as far as he had had opportunities of seeing or hearing, had misconducted themselves when admitted to collections and institutions, public or private, were precisely the half-and-half gentry that the hon. Member had referred to—people who, many of them, indeed, of a superior class in life, when they were admitted to view objects of art and science occupied themselves with rummaging over your books, or rocking about on your chairs, or trying to open doors that were locked, whereas the humbler classes contented themselves with looking at those objects which they came and were admitted so to see.

Mr. *Acland* feared that some observations, which had been made in the course of the discussion, might unintentionally have the effect of casting some reflection on those whose duty it was to act as trustees of the buildings in question, and who, he believed, had performed that duty in the most praiseworthy manner. He knew that this was the case with regard to the chapter of Westminster, the Members of which took every pains to afford every facility for the admission of the public to the abbey, consistent with a regard to the preservation of the valuable monuments and relics committed to their care.

Dr. *Bowring* said, that the cathedrals, and instanced that of Exeter, were now more difficult of access than they used to be.

Colonel *T. Wood* would ask the hon. Member for Oxford what more important moral lessons the people could learn, than those they received from viewing the interior of such places as Westminster-abbey.

Vote agreed to.

House resumed. Committee to sit again.

EDUCATIONAL FUNDS.] Sir *G. Grey* in rising to move in pursuance of the notice he had given for leave to bring in a bill for the better application of certain charitable trusts for purposes of education, did not intend to enter into the general question of education which had already occupied the attention of the House during the present Session, and respecting which future opportunities for discussion would arise. At this late hour he would only state as briefly as possible the object which he had in view in the present bill, and the grounds upon which the bill was founded. The object was simply to render applicable to purposes of education a large amount of funds in the aggregate, but scattered over the country in small sums, originally appropriated to education; but now, either from the small amount of the fund in particular cases, from the failure of trustees, from the terms of the original endowment, or from some other cause incapable of being usefully applied to the important object for which they were intended. Of the existence of such funds in one who had directed his attention to this subject could entertain a doubt, but the most ample evidence respecting it had been collected in two valuable pamphlets recently published, one by Mr. Hine, who for many years filled the office of secretary to the commissioners for inquiry into charities, and in that capacity had the opportunity of acquiring greater experience, perhaps, than any other individual as to their charities. The other by Mr. Eagle, who was himself one of the commissioners. As to the amount of such funds, Mr. Eagle states that—

> "An approximation to the probable amount of strictly educational funds may be made by a reference to the digest of the reports of the Charity Commissioners, published in 1835. The sum at that time appeared to be—

	£	s.	d.
For Endowed Schools . .	180,309	12	5
For other Schools . . .	16,938	17	5
Total Income	197,248	9	10

> The aggregate amount of charitable funds for all purposes at that time, inquired into by the commissioners, being 748,178*l.* 5*s.* 9*d.*, and the whole being estimated as at least 1,000,000*l.*, if the educational funds be taken to bear the same proportion at at the former period, they will not amount to much less than 250,000*l.* per annum."

This two, is exclusive of various institutions which were exempted from the inquiry, such as the two universities, public schools and other charities, of the charities investigated by the commissioners, Mr. Hine states—

> "The smaller charities by which I mean those whose incomes range from 1*l.* to 20*l.*, form a very large proportion of the whole number, these are peculiarly liable to some of the evils I shall have occasion hereafter to point out, and for those evils they are in effect altogether without means of redress."

The evils here adverted to, in fact, render such charities almost useless, Mr. Eagle says—

> "The reports of the inspectors appointed by the committee of the Privy Council on education will satisfy those who feel an interest in the matter, that the present application of educational funds derived from the smaller charities, is in general so lamentably defective as to tend to injure rather than otherwise those whom it was intended to benefit, and that some alteration with respect to them has became a matter of absolute necessity."

And he adds that—

> "Utterly inefficient as their funds are for all useful purposes in their present state, they would form in the aggregate a most valuable addition to Parliamentary grants."

At present the terms of the endowment in many cases precluded trustees who were anxious to employ the charity funds advantageously, from applying them in support of schools established with the aid of the Parliamentary grant administered by the Committee of Council, and consesequently they remained unapplied to any useful purpose, the Court of Chancery being the only tribunal which can be resorted to for the regulation of charitable trusts, and the expense of an application to that court being a complete bar in many cases to any remedy. One common case was, that of a failure of trustees, no power, perhaps, of keeping up the succession of trustees having been contained in the original grant, or never having been acted on, so that the property had become legally vested in some unknown representative of an original trustee, and no new appointment could be made except by the Court of Chancery. Upon this point, Mr. Hine states:—

> "The most general and prominent evil by which charities are affected is the want of an easy and inexpensive mode of keeping up the succession of trustees. It often happens that the instrument of foundation omits to make provision for such succession, and when it does make it, and the donor has empowered a given number of surviving trustees to nominate others to fill up the trust, the nomination is generally deferred till the prescribed number of trustees no longer exist, when if an appointment is made it is invalid, but more commonly no appointment is made at all. This occurs either through inadvertence, or because the funds of the charities are too small to bear the expense of a conveyance or transfer to the new trustees. Rent charges of which a very great proportion of the endowments of charities consists, and which are frequently below 10*l.* in annual amount, are especially subject to this evil. The reports of the commissioners teem with instances of such gifts, and it may be safely asserted, that except where they form part of a larger endowment, the succession of trustees is hardly ever kept up; the consequence is, that these charities are at the mercy of the owner of the property, out of which they issue who may withhold the payment with impunity."

In addition to this evil affecting their smaller charities generally, another had arisen from the operation of the Municipal Corporation Act, which is also pointed out by Mr. Hine, he says—

"By the 71st section of the municipal corporation act, persons who at its passing were trustees of charities in their corporate character were constituted trustees in their individual character, till the 1st of August, 1836, but their estate interest and title, and their power were immediately thereupon utterly to cease and determine, and it was provided that if Parliament should not otherwise direct before that day, the Lord Chancellor should make such orders as he should see fit for the administration of the trust estates. No provision for the case having been made by Parliament, applications were after the 1st of August made by petition to the Lord Chancellor relative to charities in many corporate towns, and under his Lordship's directions, appointments of trustees of the several charities took place, but the property belonging to them has not been conveyed to such trustees by reason of doubt in whom it was legally vested, and by whom conveyances could be made. Much inconvenience has consequently been felt. In other towns the property of the charities was two small in amount to bear the expense of applications to the Lord Chancellor, they have therefore remained since August 1836, without the protection of any regularly appointed trustees."

He would only add one other passage from Mr. Hine's pamphlet on the question of expense to show the inadequacy of the present remedy for the cases to which he had adverted. He says—

"When the Court of Chancery is resorted to to effect the appointment of trustees, the expense of the proceedings including that of a conveyance to them can hardly be estimated at less than 50*l.* or 60*l.*, even in a simple case, and one where the defect of trustees is of recent origin, but where no appointment has taken place perhaps for a century, the expenses may be immediately augmented."

He was aware that the evils thus clearly pointed out in the passages which he had read, affected all charities, and not only those for educational purposes, and he felt that a remedy was required in other cases. Suggestions had before been offered to Parliament with a view to provide such a remedy, particularly by Lord Brougham, but fully admitting the importance and necessity of some general measure, he (Sir G. Grey) wished now to confine himself to a particular class of charities, namely, those of small individual amount and limited to educational purposes. He thought that these cases were most urgent, and at the same time most easily admitted of a remedy. The measure which he should propose would require no new machinery. He proposed to avail himself of the Committee of Council on education, which might be properly made use of for this purpose. It was a body to whom was entrusted the general superintendence of education aided by Parliamentary grants, it was composed of individuals holding high official stations, and directly responsible to Parliament for the due discharge of their duties, they possessed means of instituting local inquiries and of communicating with parties as to each case which might come before them, they could command the advice and assistance of the law officers of the Crown, and they were in personal communication with the highest legal authority, the Lord Chancellor. He, therefore proposed that in certain cases which would be specified in the bill, a scheme might be laid before her Majesty in Council for the better application of charitable trusts for education, which scheme might be adopted with or without modifications, and that when adopted it should regulate the future administration of the trust. He proposed a similar provision with regard to the appointment of new trustees, and in accordance with the existing practice in some cases, it would be provided that upon the approval by her Majesty in Council of any scheme for this purpose, the trust property should be at once vested in the new trustees without any conveyance. He proposed that such schemes should be laid before the Privy Council only by certain parties, namely, some trustee of the property, or some person in the possession or management of it, or having an interest in its due application, to whom, in order to check any improper interference, he should add her Majesty's Attorney-general, making his concurrence in every case requisite to any scheme to be submitted to Her Privy Council. He felt that this brief statement of the provisions of the proposed bill would be sufficient on the present occasion; and he did not anticipate any objection to his motion, "for leave to bring in a bill for the better application of certain charitable trusts for purposes of education."

Sir *James Graham*, in giving his assent to the introduction of the bill, wished to guard himself from misconstruction. The object of the bill was a good one, and he was willing further to admit that a necessity existed for legislating on the subject, though the subject was attended with much difficulty. He was not, however, prepared to admit the distinction drawn by the right hon. Gentleman between charitable trusts for educational purposes and all other charitable trusts. He was of opinion, this view of the subject was a too limited one, and he thought that the process recommended by the right hon. Gentleman might be made of a more simple and efficient character. He merely rose for the purpose of guarding against any misconception as to the assent of Government in allowing the bill to be introduced.

Leave given.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, April 10, 1843.

MINUTES.] NEW MEMBER SWORN.—The Earl of Mount Edgcumbe took the Oaths.

BILLS. *Public.*—2^{a}· Copyhold and Customary Tenure Act Amendment.

Private.—1^{a}· Marquess of Abercorn's Estate; Cheape's Divorce; Leeds Gas; London Cemetery; Manchester Corporation; Great Gransden Inclosure.

2^{a}· Hungerford and Lambeth Suspension Foot Bridge; Brighton and Hove Gas.

Reported.—Oxnam's Estate.

3^{a}· and passed:—Bolton Gas; Grafton Inclosure.

PETITIONS PRESENTED. By the Bishops of Oxford, and Hereford, from Cheadle, and Mitcheldever, against the Union of the Sees of St. Asaph and Bangor.—By the Bishop of Winchester, from Brighton, and Bermondsey, for Church Extension.—From Hastings, for Repealing the Registration Act.—From the Presbyterians of England, against the Laws relating to Marriages in Scotland.—From the same, for the Better Observance of the Sabbath.—From Keamare, for making Cork a Packet Station.

THE NEW HOUSES OF PARLIAMENT.] Lord *Brougham* wished to call the attention of the noble President of the Council, to a subject which seemed to him to press for early notice. He wished to know whether his noble Friend would consent to produce the estimate of the amount of expenditure, likely to be incurred by the extraordinary portions of the plan for the new buildings, for the accomodation of the Houses of Parliament not included in the original estimate; he especially referred to the Victoria Tower. This erection, he was persuaded, must be a very heavy expence, and likewise a very heavy weight on the ground it was to stand on; and, if it should ever be erected as proposed in the plans he had seen, nothing, he would venture to say, was ever put upon the ground so contrary to good taste, or more completely devoid of all taste. The height of it was out of all proportion to the rest of the building. He hoped, that care would be taken to revise the plan in this respect before it was adopted. Many persons whom he had seen, who were not at all unfavourably inclined to the architect, held up their hands in amazement at the plan with this tall tower on one side, and the smaller one on the other.

Viscount *Duncannon* said, his noble Friend was mistaken on the point, for the Victoria Tower was included in the original estimate, and in the original plan. What his noble Friend meant by the small tower was the centre one, which was intended for the purpose of ventilation, and had been added since the original plan was drawn.

Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, April 10, 1843.

MINUTES.] NEW MEMBERS SWORN.—John Collett, Esq., for Athlone; and Thomas Gisborne, Esq., for Nottingham Town.

BILLS *Public.*—1^{o}· Charitable Trusts; Metropolitan Buildings.

Committed.—Testimony in Colonies.

3^{o}· and passed:—Registration of Voters.

Private.—2^{o}· Glasgow Police; Portsea Improvement; Bristol and Gloucester Railway; Tay Ferries; Belfast and Cavehill Railway.

Reported.—London and Brighton Railway; Cromford and High Peak Railway.

3^{o}· and passed:—Manchester Corporation; Great Gransden Inclosure; London Cemetery; Leeds Gas.

PETITIONS PRESENTED. By Mr. Blackburne, from Law Societies, against the Bankruptcy Act of last Session.—By Messrs. Foster, Busfeild, Bernal, Lambton, Hawes, Ewart, M. Gibson, T. Duncombe, Thornely, C. Buller, W. Ellis, Dr. Bowring, Lord Worsley, and other hon. Members, from a great number of places, against the Educational Clauses in the Factories Bill.—By Colonel Sibthorp, Sir J. Walsh, Colonel Wood, Lord R. Grosvenor, Messrs. H. Fitzroy, Horsman, Lambton, W. R. Collett, and Newdigate, and other hon. Members, from a number of places, against the Ecclesiastical Courts Bill.—By Messrs. T. Duncombe, and Thorneley, and Dr. Bowring, from a great number of persons and places, for the Total and Immediate Repeal of all Corn and Provision Laws.—From Chobham, for Limiting the Hours of Labour in Factories.—From T. Martin, and others, for Inquiry into the state of the Medical Profession.—From Dunfermline, Shott, and Wellwood, for Amending the Mines and Collieries Act.—From inhabitants of London, in favour of the Health of Towns Bill.—From Law Societies, against the Bankruptcy Act of last Session.—From Rickmansworth, Sarratt, Malpas, and Biddulph, for Church Extension.—From Finsbury, for the Establishment of Home Colonies.—From Matthew Phillips, in favour of the Allotment System.—From an Anti-Slavery Society, against portions of the American Treaty.—From Prisoners for Debt in the Queen's Bench Prison, for the Repeal of the Act 5 Vict., c. 22.

NATIONAL EDUCATION.] Lord *J. Russell* begged to lay on the Table of the House, the resolutions which it was his intention to propose after Easter, on the subject of education. The noble Lord then read the resolutions, as follow:—

"1. That in any bill for the promotion of education in Great Britain, by which a board shall be authorised to levy, or cause to be levied, parochial rates, for the erection and maintenance of schools, provision ought to be made for an adequate representation of the rate-payers of the parish in such board.

"2. That the chairman of such board ought to be elected by the board itself.

"3. That the Holy Scriptures, in the authorized version, should be taught in all schools established by any such board.

"4. That special provision should be made for cases in which Roman Catholic parents may object to the instruction of their children in the Holy Scriptures in such schools.

"5. That no other books of religious instruction should be used in such schools unless with the sanction of the Archbishops of Canterbury and York, and the concurrence of the Committee of Privy Council for Education.

"6. That, in order to prevent the disqualification of competent schoolmasters on religious grounds, the books of religious instruction, other than the Holy Bible, introduced into the schools, should be taught apart, by the clergyman of the parish, or some person appointed by him, to the children of parents who belong to the Established Church, or who may be desirous that their children should be so instructed.

"7. That all children taught in such schools should have free liberty to resort to any Sunday school, or any place of religious worship which their parents may approve.

"8. That any school connected with the National School Society, or the British and Foreign School Society, or any Protestant Dissenters' School, or any Roman Catholic School, which shall be found upon inspection to be efficiently conducted, should be entitled, by license from the Privy Council, to grant certificates of school attendance, for the purpose of employment in factories of children and young persons,

"9. That, in the opinion of this House, the Committee of Privy Council for Education ought to be furnished with means to enable them to establish and maintain a sufficient number of training and model schools in Great Britain.

"10. That the said committee ought likewise to be enabled to grant gratuities to deserving schoolmasters, and to afford such aid to schools established by voluntary contributions as may tend to the more complete instruction of the people in religious and secular knowledge, while at the same time the rights of conscience may be respected."

Sir *J. Graham* had not, of course, had as yet any opportunity of considering these resolutions, for he was not at all cognizant of them until that they had been read by the noble Lord; but he would give them his best attention. He had every reason to hope and believe that this question would be most dispassionately considered. On the former occasion he had received the greatest assistance from the noble Lord and other hon. Members in promoting a calm and dispassionate discussion; and he trusted, that the House would act up to this principle throughout. Since the second reading of the measure he had received many deputations on the subject, and had heard objections to various parts of the bill. It had been the duty of himself and of his colleagues, a duty which they most readily fulfilled, to give their most calm and dispassionate consideration to the objections suggested. He was not prepared now to state exactly what modifications of the original proposal the Government was disposed to make; but thus far he was at liberty to mention to the House, that several points touched upon in the noble Lord's resolutions had formed the subject of deliberation by the Government; and he confidently hoped, that consistently with the principles announced by him on the second reading, it would be in his power to propose several modifications upon those points.

Lord *J. Russell* was sorry that the right hon. Gentleman should have misunderstood the notice which he gave. The resolutions of which he had given notice stood for to-morrow, and if he had brought them on it would have been necessary, according to the forms of the House, to state what his resolutions were. He had stated that he did not intend to bring them on till after Easter, but that he would this day lay them on the Table. He had framed them in such a manner, and had deferred the consideration of them, to preserve that moderate and temperate tone in which this great subject had been begun, and in which, like the right hon. Baronet, he hoped, it would be continued. Considering the jealousy existing on this subject, he thought it better not to communicate his intentions to the Government or any of the Protestant dissenters.

THE ASHBURTON TREATY — THE CREOLE.] Viscount *Palmerston* wished to ask a question of the noble Lord, the Secretary of State for the Colonies, with reference to the papers laid on the Table on the subject of the negotiations respecting the Washington Treaty. In a letter from Lord Ashburton to Mr. Webster, dated the 7th of August, 1842, in answer to Mr. Webster's application with regard to the case of the Creole, his Lordship said —

> "In the meantime, I engage that instructions shall be given to the governors of her Majesty's colonies at the southern borders of the United States to execute the laws duly, and that there shall be no officious interference with American vessels."

What he wished to ask of the noble Lord was, whether, in pursuance of the engagement thus entered into by Lord Ashburton, any instructions had been given to the governors of British colonies on the southern borders of the United States with reference to that particular point? He also wished to ask what was the general purport and nature of those instructions, supposing any to have been issued, and whether the noble Lord would have any objection to lay those instructions upon the Table of the House?

Lord *Stanley*, in answer to the question of the noble Lord, had to state that her Majesty's Government had not thought it necessary to issue any instructions subsequent to, or consequent on, that assurance on the part of Lord Ashburton to the American Secretary of State, to which the noble Lord had referred. A short time before the correspondence in question, or almost simultaneously with it, her Majesty's Government had had under their deliberate consideration all the circumstances connected with the case of the Creole, out of which the correspondence had arisen; and the whole of that case, with the questions of law to which it had given rise, had been submitted to the consideration of her Majesty's law officers. Their opinion with respect to a number of cases had been confidentially communicated to the Government, and transmitted by them to the governor of Bahamas both with regard to the course which had been hitherto pursued, and with regard to the course which should be pursued for the future. The governor of Bahamas had asked for further instructions with respect to a number of hypothetical cases; and respecting those cases also, instructions had been given previous to the communications between Lord Ashburton and Mr. Webster. He need not, he hoped, say that those instructions maintained to the fullest extent the right of personal freedom on the part of every person within a British port, on board a vessel of whatever nation and under whatever circumstances; and that right the noble Lord might reply upon it would never be given up by her Majesty's present Government. But he had reason to hope and believe that the instructions sent out with regard to those hypothetical cases to which he had referred were of a nature substantially to comply with the request made on the part of Mr. Webster, and the assurance which had been given by Lord Ashburton. It had not, therefore, been thought necessary to send out any fresh instructions. The opinions of the law-officers upon the legal points submitted to them had been confidentally communicated to the Government; and he did not think the noble Lord would consider it desirable that the Government should lay before the House conditional instructions upon hypothetical cases which might or might not arise.

Viscount *Palmerston* said, that certain papers on this subject had been laid on the Table of the House in 1839, exhibiting the views of the then Government in reference to it. He wished to see from the instructions whether, and to what extent, the present Government differed from the late Government in their view of the operation of British law in our colonies, in reference to slaves coming into those colonies, under whatever circumstances.

Lord *Stanley* said, if he understood the question of the noble Lord right, it was, whether the instructions sent out by her Majesty's present Government, arising out of the Creole, were different to the instructions sent out by the previous Government. He (Lord Stanley) had not those instructions before him; but to the best of his belief there was no deviation from the instructions issued by the late Government. The instructions were, that in case any complaint was made to the British governor, upon credible testimony, that any persons in a British port were detained against their will, it was the duty of the governor, upon verifying the statement so set forth, to afford such persons relief and protection.

GREEK LOAN.] Mr. *Cochrane* rose to put a question to the right hon. Baronet at the head of her Majesty's Government. He begged to ask whether the Greek government had not refused to find means to pay the first instalment of the Greek loan which was now due, and whether England would not, in that case, have to pay the interest of the loan? He also wished to to ask whether if that government came here for another loan it would be granted?

Sir *Robert Peel* said it was quite true that the Greek government had failed to pay the first half of the loan, as the hon. Gentleman had mentioned; and it was equally true that the interest must be paid by this country. He could assure the hon. Gentleman that if any application were made for a fresh loan, it would be declined.

INDIA—SLAVE TRADE AND SLAVERY.] Mr. *Stuart Wortley* would take that opportunity of calling the attention of her Majesty's Government to a matter which he thought deserved its serious attention. He held in his hand the papers which had been laid before the House accompanying the instructions issued to Lord Ashburton, and on which that noble Lord had negotiated the treaty of Washington. They contained all those documents which were thought to be necessary to illustrate the eighth article of that treaty. One of those documents was a report made to the United States government by two officers of the United States navy, who had been selected for the service on account of their being extremely well acquainted with the nature and consequences of the African slave-trade. In that report those two officers, after stating their views of the course which they thought it would be desirable to be adopted by the two governments, went on to describe the slave-trade on the western coast of Africa. They afterwards referred to the slave-trade on the Eastern coast of Africa, and to his surprise he found the following remarks. Those gentlemen say, admitting that they have little personal knowledge of the details of the slave-trade on the Eastern coast,

> "From the best information we can obtain, it seems that a large trade is carried on by Portuguese colonies, the Arab chiefs, and negro tribes. Their greatest markets are the Mahomedan countries bordering on the Red Sea and Persian Gulf, the Portuguese East India colonies, Bombay, and perhaps other British possessions in the East Indies; this part of the trade is probably in the hands of Arab vessels."

The language contained in that report (the hon. Member continued) which had been presented to the British public, and nothing having been said by the government which placed it before the country, there might be a suspicion that there was some ground for the allegations thus made. It should be remembered that those allegations were made by two commanders of the United States navy, who had been expressly appointed on account of their knowledge of the subject to report on the subject of the slave-trade on the coast of Africa; and they were contained in a report made to the United States government. They were made too in a report which was presented to that government, as the basis of its negotiations, and they were on this account of more importance than they appeared at first sight, and deserved to be brought under the notice of the English Parliament. For his own part, he believed the allegations to be totally unfounded; and they appeared on the face of them to be ridiculous and absurd. At the same time they were consistent with the spirit which prevailed in the United States; and he found several proofs, in the writings by which the negotiations were carried on, of a willingness to entertain the worst suspicions of our motives and practices. The allegations were vague, but still he thought it was necessary that her Majesty's government should declare them to be unfounded, and should meet them with nothing less than an indignant refutation.

Sir *R. Peel* said, the House must recollect, with respect to the papers referred to by his hon. Friend, how they came to be laid on the Table of the House. The noble Lord opposite had asked for certain general papers connected with the late negotiations, and the noble Lord had asked for further correspondence. He had acceded to that motion for papers, and amongst the papers was the document referred to by his hon. Friend. It is a report which was laid before Congress, and he did not consider himself entitled, in laying the papers before the House, to exclude this, notwithstanding the observations which it contained reflecting on our government. His hon. Friend must not, however, suppose that the practises there referred to really existed, or that there were any grounds for the observations, because no remarks had been made on the document on laying it on the Table of the House. He was glad however, of the opportunity which his hon. Friend had afforded him to correct the erroneous impressions which were likely to be made by the report. With respect to slavery continued in India in the territories under our control, there was no ground whatever for the suspicions. This was a subject which had occupied the attention of the late and the present government of India, both of which had considered what would be the best means of most effectively putting an end to slavery and the slave-trade. It was a subject to which Lord Auckland had devoted considerable attention, and he had endeavoured to put an end to slavery in all the territories of the East India Company. It was impossible to deny that a traffic in slaves did take place in some parts of India. In the territories of the Nizam, for example, there was a considerable traffic in slaves; there was some traffic in the Portuguese colonies; and there might be slaves introduced into British ports from neighbouring territories over which we had no control. Cases of that kind had occurred. In November, 1841, an agent of one of the Ameers of Scinde was brought to trial, at Bombay, for taking four Arab girls from Bombay to Scinde. As the offence was committed within our jurisdiction, he was tried and convicted, and sentenced to three years' imprisonment. Strong representations were made to the government to pardon him, but the government refused to attend to these representations, and the man was now suffering the execution of his sentence. To say, then, that the slave-trade was not put down by our laws was not the fact. In the preceding sessions, at Bombay, four persons were brought to trial for a similar offence (he meant the sessions of September, 1841), and were convicted and sentenced to five years' imprisonment. The government, therefore, was endeavouring, by the application of British law, to correct the evil as fast as possible. There were thousands of Arabs, in several parts of India, who were in the capacity of slaves, though called the wives of those with whom they lived, and it was difficult to prevent by the utmost care and caution that species of slavery, and amongst those persons, a species of slave-trade. But the impression which that paragraph was calculated to make, that the slave-trade was continued in British India, was totally without foundation. As he had said before, this was a subject to which Lord Auckland had paid much attention, and he had entered into communication with the Portuguese settlements at Goa, and there was reason to believe that in consequence no slave-trade was now carried on there by the Portuguese. He had great satisfaction, too, in stating, that measures had been adopted to enforce the law, and, by a singular coincidence, on this very day he believed they would come into operation. They were intended to prevent all violent interference with the possessions of those who were called slaves, and for putting an end to the slave-trade in every part of India under our control, and to take care that slaves shall not pass out of our territories. By a regulation made in July, 1842, in all the ports on the coast within our jurisdiction, a vice-admiralty court had been established, to put in force the laws against the slave-trade, giving to the governors of our different territories in India the same power on the subject as the governers of the West-India colonies. This day, as he said, there would come into force in India an enactment of great importance concerning the status of slavery. It was but justice to say that this measure was mainly attributable to a suggestion of Lord Auckland, who deserved the greatest credit for the attention he had given to the subject, and he had been followed on this point by the present Governor-general of India. The House could not object to hear a few clauses of this enactment read. They were as follow:—

"*Fort William Legislative Department, Jan.* 6, 1843.

"The following draft of a proposed act was read in Council for the first time, January 6, 1843:—'An Act for declaring and amending the law regarding the condition of slavery within the territories of the East India Company.

"'1. It is hereby enacted and declared that no public officer shall, in execution of any decree or order of court, or for the enforcement of any demand of rent or revenue, sell, or cause to be sold, any person, or the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery.

"'2. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave, shall be enforced by any civil or criminal court or magistrate, within the territories of the East India Company.

"'3. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest, shall be dispossessed of such property, or prevented from taking possession thereof, on the ground that such person, or that the person for whom the property may have been derived, was a slave.

"'4. And it is hereby enacted, that any act which could be a penal offence, if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.'"

This enactment was of very great importance, and it appeared well calculated to arrest the progress of slavery, and check abuses, and when carried out in all parts of India under our control, or which we could influence, would go a long way to suppress slavery. The subject, he hardly need assure the House, had occupied continually the attention of her Majesty's Government for several years, and he could assure the House that the Government of India was sedulously engaged with it, and considered it of great and undoubted importance.

Mr. *Hume* was understood to refer to that part of the report of the officers of the United States which described Bombay as the market of slaves, and to ask whether any slave ships now went to Bombay.

Mr. *Stuart Wortley* said, the words, "greatest markets," were applied to Bombay, and, perhaps, other British possessions.

Sir *R. Peel* replied, that it might have occasionally happened that Arab vessels, bringing African boys, came to these ports, and transferred their cargoes to the natives without the interference of the British authorities, but the greatest efforts were made to prevent abuse.

Lord *J. Russell* believed the act quoted by the right hon. Baronet was not a new law. Several laws had been passed respecting the status of slavery, before the present law.

Sir *R. Peel* said, the present act was an act to declare and amend the laws, and not a new law.

REGISTRATION OF VOTERS.] The Order of the Day for the third reading of the Registration Bill was read, and the bill read a third time.

Mr. *Kemble* said, he understood there was some difficulty in the minds of the law officers as to the clause of which he had given notice, and he would therefore withdraw it.

Clause withdrawn.

Lord *C. Fitzroy*, pursuant to notice, moved the following clause:—

"And be it enacted, that in order to obviate all doubts as to the meaning of the words 'of the clear yearly value of not less than 10*l*.,' in the said recited act, every person shall be entitled to vote under the provisions of that act, in the election of any city or borough, as aforesaid, who shall be rated under the act, passed in the 6th and 7th years of the reign of Will. 4th, intitled, 'an Act to regulate Parochial Assessments,' upon the gross estimated rental of 10*l*.; and in cases of joint occupiers, upon the gross estimated rental of an amount which, when divided by the number of such occupiers, shall give a sum of not less than 10*l*. for each and every such occupier, provided that such person be otherwise qualified.'"

Clause read a first time.

On the question that it be read a second time,

Sir *James Graham* objected to the clause. If the bill introduced into that House by the hon. Member for Stroud, for establishing a uniformity of rating had been carried into effect, he should have no objection to the clause. But such was not the case. So far from there being a uniformity of rating, it was different in almost all the counties. The act was, in truth, a dead letter, and there was the utmost diversity of rating. The question under this aspect had already discussed on the motion of the hon. Member for Bradford, and he, therefore, must object to the clause.

Lord *C. Fitzroy* said, he hoped the House would not reject the clause, though he was thankful the right hon. Baronet had thrown out enough in the course of his observations to induce revising barristers to act more in conformity with that opinion.

Clause withdrawn

Mr. *Colville* moved the following clause:—

> "Be it enacted, that in case the vote of any person so protested against for personation shall have been received, and any other person shall afterwards tender his vote, in respect of the same qualification, stating, at the same time the name or names of the candidate or candidates for whom he tenders such vote, the returning-officer or his deputy shall enter on the poll-book every vote so tendered, distinguishing the same from the votes admitted and allowed at such election."

Clause read a first time.

On the question that it be read a second time,

Sir *James Graham* said, there was a difficulty on the subject, arising from differences of opinion as to the nature of the law and the power of the returning-officer. It was contended, on the one hand, that the returning-officer had no power to place the real voter on the poll, and, on the other, that he had. If the returning-officer had ascertained that he had received an erroneous vote, and the returning-officer being satisfied of his error, should, on the real voter presenting himself, think it his duty to place that voter on the poll, then there was an occasion for the clause of his hon. Friend. In fact, the clause of his hon. Friend, were the law as he had stated, would not only not gain, but it would defeat his hon. Friend's object. It would place the personated voter in a worse condition than he would be in under the present law. That opinion as to the present state of the law was entertained by persons of high authority, but persons of equally high authority took a different view. They contended that a returning-officer having once carried a vote to account on the poll, had no power to recall that vote, and he could not place the real voter on the poll should he make his appearance after having placed on the poll the person who personated him. If that were the state of the law his hon. Friend's clause would be useful, and would enable the personated voter to prove that he had been personated. He would be entitled to tender his vote, and be enabled to recover his right. Under these different views of the law, he must leave the House to decide concerning his hon. Friend's clause.

Mr. *Thesiger* maintained that the qualification gave the right to vote, and if the qualification were exhausted, if the returning officer had registered a vote for a qualification, he could not register another vote. That was, according to his view, the present state of the law. There was no power to enable the returning officer to receive the vote of a voter who had been personated, and in his opinion the clause was clearly essential and ought to be introduced into the bill.

Sir *George Grey* saw no objection whatever to the clause, and would support it.

The *Solicitor-general* took the same view of the law as his hon. and learned Friend the Member for Woodstock. When the returning-officer had once placed a person on the poll for one qualification, he had done his duty, and he could not place another person on the poll for that same qualification. He ought not to do so. There was then a difficulty in the case for which the clause of the hon. Member for Derby was meant to provide.

The *Attorney-general* said there was nothing in the bill to authorize the returning officer to reject a vote tendered by a second person in the same name. The second person in such a case was more likely to be the true man, for it could hardly be attempted to personate a man who had already voted.

Sir *Thomas Wilde* thought that no second vote could be polled in the same name. The prudent course would be to insert such a clause as was proposed.

Clause was read a second and a third time, and was added to the bill by way of rider.

On the question that the bill do pass,

Sir *Thomas Wilde* wished to call the attention of the House for a few minutes to clauses 42, 43, 58, 72, and 94, all being connected with the same matter. Those clauses referred to the jurisdiction of that House with respect to matters connected with the right of voting, and their object was to transfer from the House that jurisdiction, and to give it to the revising barrister, subject to an appeal on questions of law. Those clauses introduced to the House a question of greater magnitude than had been before it for a considerable period. Looking to the history of the House of Commons, there was no contest more severe, and no triumph admitted to be of greater importance, than that which secured to the House what it was now proposed voluntarily to surrender. He believed that the House owed if not its existence, its vital utility, to the jurisdiction and authority now proposed to be surrendered. He apprehended it was the duty of every statesman, in dealing with matters of such great practical importance, to be governed mainly by experience—to look to what had been the evils to which the constitution had been exposed, and to mark the remedies which had from time to time been applied, and applied effectually, to those evils. It would be waste of time to occupy the House by going into any antiquarian details respecting the constitution of Parliament, but he thought it important to look back to the state in which it existed at the Revolution, and had continued ever since. Attempts were made to interfere with the return of Members to that House, in the reign of Queen Elizabeth, and more particularly in that of James 1st. In the year 1604 the famous protest was drawn up by Lord Coke, the first lawyer and statesman of the age, against the attempt of the Crown to interfere with the representative principle interest in the Commons of England. During the recess, the Lord Chancellor issued a writ for the return of a Member to the House. The House also issued a writ in the same case. Two Members were returned, and it became a question which Member had a right to sit. That House solemnly protested against the right of the Crown or the Chancellor to issue any writ except upon the motion of that House. A severe contest ensued. The House entered the protest on the journals. The king sent for the journals, and tore it out. That protest, however, remained on the record. He need not trouble the House by reading it; it would be in the recollection of every Member who had bestowed attention on the subject, that it stated in the most emphatic language, that it was the inherent privilege of the House not only to cause writs to be issued for the return of Members, but to regulate all matters relating to their seats. No language could be more impressive, no assertion could be more distinct, than was employed on that occasion. The contest terminated by the House consenting for a time that both Members should retire, and that a new election should take place. Another writ was then issued, and from that hour to the present the right and control of the House over the elective franchise had never been disputed. It was true, that in the great case of Ashby and White, an attempt was made to raise the question regarding the right of voting in the form of an action against the sheriff for refusing a vote; but notwithstanding the contest led to the commitment of many persons, it was admitted on both sides, and even by the counsel advocating the cause, that with regard to seats in the House, the House had exclusive jurisdiction. It had been considered and treated by every reflective statesman and by every well-trained politician, as the corner stone of its authority and independence. In what custody could the guardianship of the elective franchise be so securely placed? Where could the constitution so safely deposit it as in that House—that House, which was responsible to the people; and which had, and ever ought to have a sympathy with the people in maintaining that franchise in full force, and independent of any other authority whatsoever. They had now full power over that right—they were solemnly pledged to uphold it; and yet by this bill it was proposed, and that, too, with a precipitation that he confessed surprised him. It carried within it the seeds of an eventful change in the constitution which should put every Member on his guard to part with this power. They were about to surrender the decision on the right of voting—the power to judge of exercise of that right. And to surrender it to what? to a tribunal to which no hon. Member could conscientiously entrust it—they were about to deliver it over to a barrister of three years' standing. He could not believe till ocular evidence forced the belief upon him, that it could ever have been proposed, as was done by this bill, that the registration should be final—that it should be handed over to a barrister of three years' standing—and that his decision should be conclusive and without appeal; save only that what were to be deemed questions of law, should be left to the Court of Common Pleas.

He looked to what were called questions of fact; and such questions might go very far in excluding most questions of law. The clauses, as they now stood, made the registration final: and the only appeal from the barrister was to be an appeal to the Court of Common Pleas on matters of law. He should rejoice, indeed, to find that the anxiety which he felt on this subject, was unfounded. He perceived that his hon. and learned Friend, the Solicitor-general, did not seem to participate in that anxiety, but he hoped his hon. and learned Friend would never consent to part with this jurisdiction. He should be happy to find that he was in error, but as he read the clause the registration was final, and justified the observation it had drawn from him. The 94th clause was rather long, but it began by reciting the former act, and it was as follows:—

"And whereas in and by the said first-recited act it is provided that upon petition to the House of Commons, complaining of an undue election or return of any Member or Members to serve in Parliament, any petitioner, or any person defending such election or return, shall be at liberty to impeach the correctness of the register of voters in force at the time of such election, by proving that, in consequence of the decision of the barrister who shall have revised the lists of voters from which such register shall have been formed, the name of any person who voted at such election was improperly inserted or retained in such register, or the name of any person who tendered his vote at such election improperly omitted from such register; and the select committee appointed for the trial of such petition shall alter the poll taken at such election according to the truth of the case, and shall report their determination thereupon to the House, and the House shall thereupon carry such determination into effect, and the return shall be amended or the election declared void, as the case may be, and the register corrected accordingly, or such other order shall be made as to the House shall seem proper: And whereas doubts have arisen as to the true intent and meaning of the said enactment with respect to the power and authority of any such committee to inquire into the validity or invalidity of the vote of any person being on the register of voters in force at the time of such election; be it therefore declared and enacted, that it shall and may be lawful for any such committee to inquire into and decide upon the right to vote of any person who, being upon the register of voters in force at the time of such election, shall have voted in such election, or not being upon such register, shall have tendered his vote at such election, in case the name of such person shall have been specially retained upon such register, or inserted therein, or expunged or omitted therefrom, by the express decision of the revising barrister who shall have revised the lists of voters from which such register shall have been formed, or by the decision of the said court of appeal; and also that it shall and may be lawful for such committee to inquire into and decide upon the right to vote of any person who, being upon such register, shall have voted in such election, so far as the same may be disputed on the ground of legal incapacity at the time of his voting, under and by virtue of any statute now or hereafter to be in force, or on the ground of any other legal incapacity at the time of his voting, which may have arisen subsequently to the expiration of the time allowed for making out the list of voters from which the register of voters in force at the time of such election shall have been formed; but that, except in such cases or on such grounds as aforesaid, the register of voters in force at the time of such election shall be final and conclusive, to all intents and purposes, as to the right to vote in such election of every person who shall be upon such register."

He did not know whether he understood it, but he supposed that the election committees of that House were to have the same powers preserved to them which they had at present.

The *Solicitor-General* observed, that the words now objected to were introduced in consequence of reported decisions of committees of that House. It was for the purpose of making the law uniform. Committees had decided that they would not inquire into the validity of a vote unless an objection had been taken before the barrister. If there had been no objection offered before the barrister, then the committees had determined to make no inquiry as to the validity of the vote. The object of the clause was to make that clear which before had been doubtful.

Sir *T. Wilde* considered that it was otherwise. The register of the voters should be final and conclusive as to the rights of the electors, as it appeared on the register.

The *Solicitor-General* remarked, that was the case at present. He referred the hon. and learned Gentleman to the 60th section, and there it would be found that restriction was imposed, which was now complained of. The fact was, that it was the Reform Bill that determined that they could not examine into the validity of votes unless an objection to them had been taken and expressly decided upon by a revising barrister. Therefore, it was the Reform

Bill that took from them this jurisdiction. If the barrister decided upon a vote objected to, they could inquire into the validity of that decision. The object of the clause was to make that clear and intelligible which had been before determined upon, that the register was to be final and conclusive upon a committee of that House, except in certain cases, when the vote had been objected to and expressly decided upon. That had been the law before; it was the law at present. The power of the House was parted with by the Reform Bill, and that power was not restored by the present bill.

Sir *T. Wilde* conceived, that it went much further. The election committee of that House was a committee to be appealed to, and not one of original jurisdiction, and by this clause it was excluded from doing that which ought to be so left to it. That clause must be read in connection with the 42nd clause, to which he had already called their attention; and, as he conceived, that House should maintain that which they had already secured with great cost and hazard, and ought always to possess the power of determining finally upon the franchise, instead of being, as it was proposed, precluded as to matters of law by the opinion of courts of law. The period, too, at which this was attempted was most inauspicious. It was when they were engaged in the discussion of questions as to the jurisdiction of courts of law. It never had been denied that, to a very great extent Parliamentary law was distinct from the common law. He had always considered that committees of that House were too much trammelled, and bound down by the ordinary and technical rules which prevailed in courts of law. They were now, however, not merely to introduce the practices of the courts of law, and permit them to interfere with Parliamentary tribunals, but they proposed to refer questions of law to the Court of Common Pleas. They had determined to leave questions of law—and these might include more than questions of law—to be decided by the technical rules of the courts. The mode of doing this, he considered, was one which ought not to be assented to. It was open to very serious objections —it was one assimilated to a class of cases against which complaints were the loudest, and the mode of proceeding regarded as most anomalous; he meant the session cases, wherein that was confirmed by one court, on which appeal was made on the case stated by another court. He appealed to every professional person, whether the law, as laid down upon these appeal cases, and thus carried from one court to another, was not precisely that law which had given the least satisfaction. There were introduced into these adjudications a conflict of decisions and an uncertainty which did not belong to any other class of cases; and yet they proposed to do the same thing here. But it was to be only in certain cases, for it appeared it was to be left to the *sic volo* of a barrister of three years' standing whether that appeal should be given or refused. He referred to the clause, which provided—

> "And be it enacted, that it shall be lawful for any person who, under the provisions hereinbefore contained, shall have made any claim to have his name inserted in any list, or made any objection to any other person as not entitled to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any such case shall be aggrieved by or dissatisfied with any decision of any revising barrister on any point of law material to the result of such case, either himself or by some person on his behalf, to give to the revising barrister in court, before the rising of the said court, on the same day on which such decision shall have been pronounced, a notice in writing that he is desirous to appeal, and in such notice shall shortly state the decision against which he desires to appeal; and the said barrister thereupon, if he thinks it reasonable and proper that such appeal should be entertained, shall state in writing the facts which according to his judgment shall have been established by the evidence in the case, and which shall be material to the matter in question."

He had always had a strong objection to the appointment of the barristers being made by the judges. A more objectionable principle he thought could not have been introduced. They were the very last body that should be open to the influence involved in patronage of this description. Nothing, he thought, could be more mischievous as regarded the independence of the bar, or more destructive as respected the interests of the people, as connected with that independence, than that a large portion of the bar should be looking up to the judges for the advantages thus placed within their gift. This House, it was to be remembered, could not find fault with the conduct of the judges, without doing serious injury to the administration of justice. The House had acted, and properly acted, on that principle. They could not, then, deal with the judges as they did with other authorities; and the effect of bringing complaints against them in that House, as to their appointment, in any instance, of young barristers, wholly inadequate to the very responsible duties they were called upon to discharge, was a matter that was objectionable, in every point of view. It was a position in which the judges ought not to be placed. When he considered that there was to be a certain fixed scale of remuneration—that it was the same for one gentleman in the West Riding of York as for another who had the revision of a small borough, and that there was a very great advantage in a particular appointment, considering the remuneration for the labour, he found additional reasons for objecting to the system under which these appointments took place. It excluded, moreover, a considerable number of the bar. It gave to those who were the least experienced—to those whom they would not allow to argue their own cases, even the least important of them — it gave to them the power of deciding on the most important questions relating to the constitution of that House—and invested with this power, were also to decide whether an objection to their adjudications was reasonable and proper. He was not now to be told, that they were not to presume that the barristers would refuse any case that was reasonable and proper. He knew what was said of other tribunals, that the only case on which they would consent to have an appeal would be a tolerably clear case—that judges were jealous of their jurisdiction being overlooked in a doubtful case. Then they were to leave, not questions of law, but questions that were reasonable and proper, to be determined by those barristers; and would thus surrender the rights of the people. The barrister was not to submit for appeal any questions but those that he might consider as reasonable and proper. What was the sense of this? What did they mean by it? Was it to depend upon what the barrister by his single opinion decided was so reasonable as to admit of no degree of doubt? He objected wholly to any such proposal. When he appealed on a bill of exceptions, it did not depend upon the judge who tried the cause to determine whether those exceptions were reasonable and proper. He believed that no writ of error would be granted at all, if it were to depend upon judges alone what was reasonable and what proper in the objections tendered to them. And yet they thus limited the right of the subject! "Reasonable" and "proper" were words of very indefinite meaning; they admitted of a construction so wide as to neutralize the clause altogether. But then Gentlemen might say that such points only were to be reserved as were material to the decision of the court. He begged of the House to remember that they were dealing with questions of law relating to the elective franchise—that the interpretation of some of those questions was exceedingly difficult, and that they were now to be no longer decided by the House, but transferred to gentlemen from whom they excluded the assistance of counsel altogether. They placed these young gentlemen with solicitors only to contend before them, and thus, too, without the assistance which even the judges would have—without that information which even the judges would require. They did not give, where the right of the subject was to be maintained, and the franchise to be upheld, that aid and protection which they would require for the smallest particle of property. They left the barrister without proper assistance, and then they permitted him to decide whether it were reasonable and proper to appeal against his decision, and what it was that it was reasonable and proper on which the appeal should be determined. In his own recollection he could state this to have happened: in settling a special case he proposed that a certain matter should be introduced as proved. The learned and eminent judge before whom the case was tried declined to put it in—he then said that he declined to sign the case. That learned judge, who was not more remarkable for his learning than his courtesy, kindly consented to make the addition that he proposed, and upon that very passage the case was decided in his favour. It was the great mining case in Cornwall. He said, then, that it was most unsafe to leave powers to a barrister which ought not to be left to a judge. An attorney might put in evidence—it was possible he might have taken advice upon doing so; he might prove certain facts, and require that such facts should be stated as proved in the appeal—and it was to be in the power of the barrister not to put that in, and for that they had no remedy. The case so stated might not contain enough for the decision of the court. Thus, they would not only withdraw from the proper and the constitutional tribunal the decisions with respect to the elective franchise, but they did it in the most crippled and infirm form that it was possible to do it. But then he said, what was the occasion for this—what occasion had that House to surrender that protection which British subjects had a right to receive, with respect to the elective franchise? Formerly the House had decided questions of the franchise. These had been determined by the House itself. They had gone on improving their tribunal; and now, when they were in a better state than ever, they chose—voluntarily too—to surrender their rights. The bill brought in by the head of her Majesty's Government had been an improvement. They had heard of no decision since the last election, by their committees that could well be objected to. Had there not been a marked and great improvement in the tribunals of that House, and yet, with this before them, they ran from an evil that possibly might happen, to another and a certain evil, and one of much greater magnitude. Why abandon the right hon. Baronet's bill, when they attempted no further improvement in it? and he considered that it would admit of considerable improvement. In the first place, he objected to the franchise being decided in a court of law at all; but next, if they wanted to have it decided by law, still they would have that accomplished by election committees, If there were a vacant chief-judgeship, where would they go to supply the place? Surely not out of that House. Why then not make up by the legal knowledge that they had in that House? Or why not bring assistance in from Westminster-hall, instead of going there? Why not bring in assessors? Did they think they would have uniformity of decision? They would be disappointed. But if they went to courts of law, he objected to their going only to one court. He most distinctly objected to that proposition. When one class of cases was decided exclusively by one particular court, it was not satisfactory. Even in cases where there was not an appeal, the mere fact that other courts had to decide upon them, acted as a control, and ultimately gave greater satisfaction to suitors. He distinctly objected to the confining the decisions in these cases to any one court; but he objected to giving them to any court. He would not part with this constitutional principle. The safety of the House required that they should maintain the control over the elective franchise. It would be found to be no light evil to part with that power, and in the doing so, in the present instance, they could obtain no compensating good. Let them remember, that when once they parted with this power and control, it was gone, and for ever. That House never had made a greater mistake than in passing the Grenville Act. It might have, by means of resolutions, done as well, and by its own authority have accomplished all that was of value in that act. They had still the power of amending the bill of Sir Robert Peel. They might have the advantage of the assistance of the best authorities in Westminster Hall, with the exception of the Bench; they might have the advice and best assistance of those who were in that House. He was sure that there was no Member who came to that House would flinch from any portion of that duty which attached to his situation. Their committees were in every way defective, they were capable of great improvement. The general complaints on the subject of the committees of that House he did not think fairly justified. There was a complaint as to the uncertainty of decisions, and of political bias; but he feared that under no transfer of authority could this complaint be wholly removed. As to diversity of judgment—as to uncertainty of opinion—they were incidental to every human tribunal. He submitted that the power ought to remain with the House. In no other hands could its exercise be so comprehensive, so constitutional, so complete. Even were any transfer of it meditated, it ought to be the subject of a separate and distinct bill. It ought to be most deliberately considered in a committee, when they would receive statements, and be convinced by proofs, that it was utterly impossible to gain the advantages which were expected by the proposed clause. Another consideration occurs. Who was to pay the expenses of the appeal of the voter, when there might be an uncertainty as to who was to be the candidate, how the elector might vote, or whether there was to be a contest at all? No provision was made for an appeal on matters of law. They let the rights of the electors be thus frittered away—the appeal was to be before an election, when no one had a specific purpose in maintaining the right that was disputed. Then, let it be supposed that it was expedient to hear the appeal, should the power be given to the barrister to determine what was the evidence, and what the facts, on which the rights of the parties should be concluded? It was his opinion, that the Government bill ought to pass, without the appeal clauses. Courts of law, they ought to know, were not always favourable to popular rights. It was the decision of the Court of King's Bench, on the subject of corporations, that made the necessity for reform in those bodies to be felt, and that had advanced that question. They saw that the tendency of those courts was not to extend popular rights, but to restrict them. If they wished to restrain the right of voting, then let them send these questions to the courts of law; but they could not do so without deserting their duty to their constituents, and this, too, when they had, as he conceived, abundant means within that House of upholding the franchise. The right hon. Baronet (Sir R. Peel) had said, that if once they parted with their jurisdiction, they might shut the doors of that House. In this case, he thought that they ought to protect their constituents. He regretted that these clauses were sanctioned and supported by her Majesty's Government. They were, in his opinion, at variance with the constitutional rights of the House, and the real interests of the people. The hon. and learned Gentleman concluded by moving the omission of certain words in clause 42.

Upon the question being put,

Sir *James Graham:* I labour under many disadvantages in rising to answer the very able speech of the hon. and learned Gentleman. In the first place, I am not at all prepared to enter upon the wide field of discussion opened by the speech of the hon. and learned Gentleman, who gave no notice of his intention to bring forward as a subject of discussion, the question which he has so fully debated. After the third reading of the bill, I was not prepared for the discussion of a principle so important. I entertain the greatest respect for the talents of the hon. and learned Gentleman—I feel the most unfeigned admiration for the boldness, integrity, and resolution with which, under all circumstances, and on all occasions, he defends the privileges of the House. If I thought the clauses in question involved any surrender of the rights and privileges of the House, so far from agreeing to them, I would give them my most hearty opposition; but I differ from the notion that the clauses involve any such surrender, and I must observe, that it appears to me, that the speech of the hon. Gentleman was mainly founded on a misconception of one of these clauses, the 94th. It is clear from the course of the argument of the hon. and learned Member, that the hon. Gentleman, from inadvertence, put an erroneous construction on that clause, at the outset of his speech, and it is equally clear that the original misconception pervaded his argument to its close. Now, as I understand the 94th clause, it only sets forth in express terms, for the purpose of removing all doubt, that which is now the established usage, on the part of Parliamentary committees, in putting an interpretation on the 60th clause of the Reform Act. It does not extend one jot further, except in this single particular, that under the clause to which the hon. Gentleman referred, it is proposed to make the decision of a court of law final on the point of law submitted to its judgment, and binding upon committees of the House of Commons. The decisions of the Court of Common Pleas are to be strictly confind to points of law, submitted as cases to their judgment. With this exception, the power of committees of the House of Commons is preserved intact and unaltered, exactly as it now stands under the 60th clause of the Reform Act. Now, the hon. and learned Gentleman has stated that the constituency of the United Kingdom has a deep interest in the question of registration, and as I understood him, that interest consists mainly in the principle which the clauses particularly under discussion, propose to alter, and to which alteration the hon. and learned Gentleman objects. The hon. Gentleman was not present on two former occasions when the measure was discussed, and when I heard the hon. and learned Gentleman allude to the constituency in general terms, I hoped that it was for the purpose of touching upon that point which I put to the noble Lord opposite upon a former occasion, with reference to the case of Ireland. The hon. and learned Gentleman stated, that he entertained great objections to placing a point of law affecting the qualifications of a voter under the jurisdiction of the judges of the land. Now, if I mistake not, the hon. Gentleman was himself one of the legal advisers of the late Government, when they introduced the bill to which I have alluded, with respect to the registration of voters in Ireland, and yet the hon. Gentleman now objects to give the power of appeal to English judges, which that bill allows to Irish judges. What is the state of the law in Ireland? It allows an appeal from the revising barristers to a single judge on circuit. The hon. and learned Gentleman was a party to that act, and yet he now tells us, that the present limited proposition, falling very far short of the enactment for Ireland, is a violation of constitutional principles. But the hon. Gentleman has gone still further upon this occasion—he has raised incidentally a question of very great importance, and as it appears to me has impugned the leading provisions of the Reform Act itself. The hon. and learned Gentleman has objected to the revising barristers being appointed by the judges. That was a tribunal appointed by the Reform Act. Now we have had various propositions for the amendment of the Reform Act, and various registration bills have been proposed; but in these bills no proposition was ever made for depriving the judges of the power of making the appointments in question. The last registration bill was introduced by Lord Campbell, at a time when the hon. and learned Gentleman was one of the legal advisers of the Government, and I am confident that in that bill no proposition was made for taking away the power of appointing revising barristers from the judges. The hon. and learned Gentleman has observed, that the clause gives the revising barrister power to authorise an appeal to the Court of Common Pleas only if he should think it "reasonable and proper," and the hon. Gentleman objects to these words. Now, I may remark, that if the revising barristers should not deem the case sufficient to justify an appeal, then all will remain *in statu quo:* the jurisdiction of Parliamentary committees is not touched; everything relating to disputes, both of law and matters of evidence, remains for the consideration of the committee just as the law reserves these points at present. But even if the case be referred on appeal to the judges, we have a far greater security, the appeal being strictly limited to a point of law, than we possess in Ireland, where the appeal of the judge is not so confined. I quite agree with the hon. and learned Gentleman, that it would be quite indefensible were I to rest the measure which I propose upon the characters of the judges now composing the Court of Common Pleas. I put the case upon no such ground. I quite concur with the hon. and learned Gentleman in the eulogium which he has passed upon the character of the Chief Justice and of the other judges of that court; but I repeat that I should not defend the measure, unless I was fully prepared for the contemplation of another state of things, and for the rule of judges of a very different character. But my reliance is upon judicial authority being exercised in the presence of the public and of an intelligent bar. The hon. and learned Gentleman has stated, that it is not expedient upon light grounds—frequently or in any manner derogatory to the character of the judges—to bring under the investigation of this House their proceedings in courts of law. But there could be no great abuse of the authority delegated to the judges by the bill before the House, which would not give rise to comments, and something more than comments, within these walls. The hon. and learned Gentleman mentioned an instance in which a learned and venerable judge adopted a suggestion made to him by the hon. and learned Gentleman with reference to the insertion of a particular plea. At first the judge hastily refused to accede to his suggestion, but on consideration, and at the earnest request of the hon. and learned Gentleman, he consented to the introduction of the plea. On the very plea which was thus inserted contrary to the wish of the judge in the first instance, judgment was given on the ground of the justice of the case. Now, it is impossible to state a case which appears to me to tend more to raise our confidence in the judges; and when I consider the power of public opinion, and the influence of the presence of the bar, it confirms me in my opinion that the very limited power now proposed to be committed to the judges may be most safely confided to their hands. Now, I must say, that the hon and learned Gentleman's prejudices, whenever the rights or privileges of this House are touched in the slightest degree, are so sensitive, that his excellent judgment is betrayed into a degree of captiousness. The hon. and learned Gentleman is quite alone in saying, that the passing of the Grenville Act was a misfortune and a detriment. I would remark to him, and to the noble Lord near him, who also entertains such high notions of the privileges of this House, that until the passing of the Grenville Act the House had no power of taking evidence on oath—there was no power of declaring the opposition to a petition, or the pressing of a petition to be frivolous and vexatious—there was no power of awarding costs. All these important points have been guaranteed by the statute so much decried by the hon. and learned Gentleman. I deny that the bill before the House interferes with the jurisdiction of the tribunals constituted by the Grenville Act. All questions of fact are left to their decision as heretofore, and, as I had said before, only pure points of law are to be referred to the Court of Common Pleas. I am sorry, that on all the occasions on which the bill has been discussed, the hon. and learned Gentleman has been absent from his place. He is wrong in supposing that the clauses to which he objects were adopted hastily—on the contrary they have been fully considered. The original proposition brought forward by Government was different from that now before the House. The suggestion of the withdrawal of some parts of that measure, and the substitution of the proposed appellate tribunal in lieu of that at first proposed, emanated from the Opposition side of the House; and indeed I may say, that I am not aware of having ever seen, in a matter involving considerations of a party nature, such a general coincidence of opinion as was manifested by both sides of the House in favour of the clauses now objected to by the hon. and learned Gentleman. This assertion does not rest on any vague surmise. The clauses have already been submitted to a division, and carried by an overwhelming majority. With all my respect, therefore, for the honourable and learned Gentleman, I can yield neither to his authority nor his argument; and I feel the force of that argument less because I believe that it is completely founded on misconception of the nature of the clauses in dispute. I once more repeat, that they reserve to committees of the House intact and entire the jurisdiction which they now possess, and which they now exercise, save only the reservation of judgment on points of law when submitted on appeal to the Court of Common Pleas. The hon. and learned Gentleman has stated that the clauses would be found in effect to be inoperative. I do not think so; the effect, I am satisfied, will be salutary. I entirely dissent from the hon. and learned Gentleman's views of their probable operation, and I believe that they contain no important surrender of the jurisdiction of the House of Commons. On points of law the opinions of the courts of law will be much safer and sounder than the opinions of the committees of the House. Indeed the hon. and learned Gentleman himself appeared to feel no great confidence—with all his fondness for the power of committees—in their decisions, where points of law were concerned. He proposed that after all they should call in the aid of lawyers—of assessors. Who, then, is to appoint them? The hon. and learned Gentleman said, that it was impossible we could get rid of political bias in cases of the nature in question. He said that judges were but men; and I reply that assessors are but men also, and that we should find them, moreover, frequently animated by political feeling. But when the hon. and learned Gentleman said that the House should nominate assessors, he must have meant the majority of the House; and I tell you that from the moment you should give the majority the power of appointing assessors—with all the hon. and learned Gentleman's jealousy of transferring judicial power, touching the rights of voting—he would soon come to prefer the Court of Common Pleas as an appellate tribunal to assessors animated by the political feelings of the majority of the House, and certainly chosen with a very strong party bias on the part of that majority. I have just heard somebody suggest on the opposite side of the House that the appointment of assessors should be left to the Speaker. My respect for you, Sir, is sincere and heartfelt, and nothing would grieve me more than to see you so situated; for, if I am sure of anything, I am certain of this, that if these invidious powers were entrusted to you, with all your firmness, and all your high integrity — although you would exercise them honestly and fearlessly—yet that, from the day on which you were called to wield them, the united and unanimous support of this House would fail you, and you would cease to enjoy the undivided confidence of all its Members. With the exercise of all those qualities which so adorn you, you would not only be unable to discharge your new duties to the satisfaction of all, but you would become the object of angry suspicion and would have cause even to lament the day when you were raised to the high honour of taking the chair.

Lord *John Russell* could not allow what had been considered the rights of the House of Commons for several centuries—those rights on which the existence and power of the House of Commons had ere this depended in the most troublesome times—to be given up without again stating his reasons for dissenting from what would probably be the judgment of the House. He did not think that it was fair that these rights should be given up without further discussion, or that it was idle and impertinent to make some still further stand for the privileges of the House. The right hon. Baronet to-night, as well as on other occasions, had alluded to the proposition made during the time when the late Ministry was in power with respect to the Court of Appeal established in Ireland. The right hon. Baronet seemed to think, that that proposition was decisive against him (Lord John Russell), and that it was a great authority in favour of the measure which the right hon. Baronet now brought forward, a compliment which he appreciated and acknowledged. He thought at first, from what the right hon. Baronet stated, that he was wrong with reference to the last registration bill which had been introduced; but, upon referring to that measure, which had been brought in by Lord Morpeth, he found that it gave power to the judges to appoint three barristers to be the court of appeal, and who were to sit in Dublin. That had been the proposition of the late Government, as brought in by Lord Morpeth. But with respect to the Irish franchise, he found that it was in so vague and unsatisfactory a state, that he was deeply impressed with the necessity of adopting some remedy, and it was, therefore, proposed, in a bill brought forward by one of the law officers of the late Government, to leave to the judge of assize the decision of questions relating to the franchise. He could not say, that what had occurred in Ireland was to him a great inducement to invest the English judges with a similar power to that reposed in the Irish judges. He remembered, that on one case there were eleven judges who gave an opinion on a question affecting the franchise, and of the eleven, there were eight holding Tory principles, who gave an opinion in accordance with those principles, and three Whigs, who also gave an opinion in accordance with the advancement of Whig interests. It could not be denied, that there had been in Ireland a strong political bias among the judges; but was it desirable that they should see, in the Court of Common Pleas here, four judges give opinions, and knowing their respective politics be able to say that as were their politics, so would be their decisions. Was it a system of that kind which they wished to introduce? Even supposing the present proposition took away no powers from the House, would they like to see such consequences follow from its enactment? And yet they had held up Ireland as an example to the House, when it was seen from that example that the political feelings of judges conformed with their judicial decisions in favour of one legal view or other of the franchise. The right hon. Baronet had, on the last occasion on which the subject was discussed, brought forward another example, in order to show hon. Members they might leave the matters in dispute to the decision of the judges; and that example was, the fact that the Legislature had left the decision as to libel in the hands of the judges. But what had happened when that was left to them? They used to tell the jury that the only fact which they had to decide was the question of actual publication Whether the publication were innocent or guilty, the jury were not to decide. The judges told them that they had merely to say whether the publication had taken place, and having found that fact, that it was for them, the judges, to say whether the alleged libel were treasonable and seditious, or whether it were innocent. And what became of that law? Was Parliament satisfied with it? Did not Mr. Fox, with the consent of the House, when he was the leader of a small minority—did he not, seconded by Mr. Erskine, introduce a bill to change the law, because the liberty of the press was injured by it? Was it, then, on a model such as was furnished by the old libel law, that the right hon. Gentleman proposed that the House should act? The question had been decided at various times. On one occasion, all the legal Members of the House had taken one side, and the great majority of the House had taken the other, and in that case, to which his hon. and learned Friend had referred, the case of Ashley *v.* White, some of the greatest legal authorities in the country, then Members of that House, argued that though the House itself could finally decide who should have the right of sitting in the House, yet with respect to the power of deciding who should have the right of voting, that the courts of law might exercise that authority as well as the House. And he believed it was argued by Mr. Cowper, afterwards Lord Chancellor, that two different courts might have jurisdiction in the same matter if not for the same object. He said, for instance, in the ecclesiastical courts, they might decide whether a marriage was good or not; and afterwards, when a question relative to the descent of property was raised in the same case, of course the courts of law would decide that. Though the question might be the same question, yet, as the ends were different, both courts might have jurisdiction in the matter. But, in spite of that argument, and many other able arguments, the House decided, by a very great majority, that both with respect to the right of voting and the right to a seat in this House, it was the sole and only judge. What was now proposed was, that with respect to all points of law which might be raised in a case on which there should be an appeal to the Court of Common Pleas, the decision of that Court should be binding on the committees of this House. They were told by the right hon. Gentleman the First Lord of the Treasury, the last time this matter was discussed, that this measure would so clear up all the difficulties with respect to the law, that so little would remain to be discussed, that, in fact, no great power at all would be given to the Court of Common Pleas. Well, what did the House see to-night; There occurred a difficulty with respect to a question connected with the bill, when the Attorney and Solicitor-generals differed on a point of law, and the Attorney-general appealed to his hon. and learned Friend (Sir T. Wilde) and desired his opinion upon it. Could they expect, after this, when there was such difference of opinion before the bill passed as to what might be the law, that there would be no difficulty when the bill came into operation?—Could they expect that all would be clear when the bill came into operation, if even now the great law authorities in this House were undecided as to the interpretation of the law; But, in fact, sometimes the most difficult and unforeseen questions had come before the courts of law and been decided by them according to their view of the law, affecting most materially the privileges of the subject. His hon. and learned Friend mentioned the cases of corporations. Very difficult and nice questions of law decided by the judges had in these cases materially affected the subject's privileges. And he expected, if this bill came into operation, that they would find a very different state of the law prevail to what had hitherto prevailed as to the freehold franchise of 40*s.* He knew not what passed in the revising courts, but he had frequently seen such questions decided according to the old election law when very little evidence was required with respect to 40*s.* freeholds. It was taken upon the evidence of the party himself, corroborated by the land-tax books; general credence was given to the assertions of the voter, and the 40*s.* freehold was allowed to reside in him. But if these points were to be made nice questions of law, they might have cases to settle the right of a 40*s.* freeholder as intricate as Chancery suits. They might require the applicant to bring his titles. They might go into the question of how he had acquired them, and thus utterly defeat by such complex and tedious proceedings, one of the most valuable rights enjoyed by the people of this country. Various questions might arise. His hon. and learned Friend had adverted to the decision of revising barristers against the right of peers to vote at elections. Such a question as that might come before the Court of Common Pleas, and a decision in favour of the peer be pronounced. If that should happen, where was the remedy? This House would have entirely parted with the remedy, and with all the oft-asserted laws of the House they would have parted with the right of altering the decisions so made, and the decisions of the Court of Common Pleas would be conclusive. He must confess that he thought those questions might have been safely left to the election committees of the House. He had not seen anything, either in former or later times, to induce him to think that the right of voting for Members of Parliament should be left entirely to the decisions of a common-law court. Mr. Fox, in one of his speeches, he believed it was in introducing his Law of Libel bill, said, that there were two great securities for the liberties of the people of England—the one, their representation in the House of Commons, the other the trial by jury. Now here was one of these most important rights—the right of the electors to vote according to the interpretation by the House of Commons of the laws affecting its Members and their constituents, to be taken away; because the House was no longer to decide by means of a select committee on questions of franchise, nor were they to be intrusted to the judgment of a jury, but to the decisions of certain judges according to their sole and separate view of the law. They were thus parting with a great power for the loss of which they could have no compensation. An hon. Gentleman had said, and he believed that the feeling was pretty general in the House, that were the clauses to be agreed to, they would get rid of delay and expense. It might be so as respected Members of that House, and it might be convenient for them to get rid of much delay and expense; but they should remember that all popular rights under a free government were rights attended by delay and expense—were rights which could only be asserted and maintained, and defended at the cost of considerable delay and expense. If they wished to have a court for deciding these rights, resembling that of common legal tribunals, acting according to forms of law, without regard to the spirit of a free constitution, they might thus get rid of some delay and expence, but they would sacrifice with it one of those means of keeping up the liberties of the people which their ancestors had maintained, and by dint of which they had made the House of Commons what it now is.

The *Solicitor-General* was sorry to trespass on the House, but he felt called upon to do so in consequence of what had fallen from the noble Lord and his hon. and learned Friend (Sir T. Wilde.) His hon. and learned Friend had spoken of this bill as being of equal importance to the Septennial Act, and the noble Lord said that this bill was an inroad upon the constitution, and that they were called upon to part with some of the jurisdiction of the House which their ancestors had struggled to maintain. Now, he trusted that both his hon. and learned Friend and the noble Lord would pardon him for saying, that it appeared to him, from what they had stated, that they did not understand the clause. He was sure that his hon. and learned Friend, when he rose to address the House, was under the impression that the registration was to be final, subject only to an appeal to the judge; and his hon. and learned Friend seemed to think that the House was about to part with a great portion of its jurisdiction. Now let them see what, in reality, were the provisions of the bill. The noble Lord said that his right hon. Friend near him had referred to the case of the Irish registrations as if he wanted to derive and have a precedent furnished him by the noble Lord. Now he did not think that his right hon. Friend had referred to the case of the registration in Ireland for any such purpose. But his right hon. Friend had referred to it to show that the Legislature had sanctioned a similar principle, and that the Government, of which the noble Lord and his hon. and learned Friend opposite were Members, had introduced bills into that House for the purpose of carrying to a further extent the provisions of the Irish Registration Act, and so make the decision of the court of law final and conclusive, even against a committee of the House of Commons. They were told that they were now parting with their jurisdiction; but let them see what was the state of their jurisdiction at the time when those bills which had been referred to were introduced. By the Irish Registration Act, which existed prior to the Reform Bill, the assistant barrister registered the voters, and an appeal was given to the judge of assize both upon the law and upon the fact—sometimes with, and sometimes without, the intervention of a jury. The Irish Reform Bill afterwards passed, and what was the construction put upon that act by several election committees? The construction put upon it was this, that the provisions of the Reform Bill prevented a committee of that House from examining into the validity of any vote when once placed upon the Irish register. Now, when they heard of political decisions, it should be recollected that these decisions declaring the registry to be final, proceeded from those who belonged to what was called the Liberal party. Now that was the state of the law with respect to registration in Ireland, when the bill referred to was introduced into the House. The bill was introduced by the late Master of the Rolls, Sir Michael O'Loughlin, for the purpose of clearing up doubts with respect to Irish registration, and declaring that the registry, after the appeal to the judge, should be final, and that any committee of the House of Commons should be precluded from examining into the registry. Now, these being the provisions of the bill introduced by the late Government, they were told by the noble Lord that they were now acting unconstitutionally, and that they were violating the principles of the constitution. But, under one of the sections of the Reform Act, a committee of the House of Commons, whatever might be their opinions as to the validity or want of validity of any vote, had not the power to take a vote off the register unless it had been objected to by the revising barrister. Supposing that a number of bad votes had been placed on the list by the overseer, and the revising barrister, who might not be of more than three years' standing, for there was no restriction in this respect under the Reform Act, had admitted those votes, and allowed them to remain upon the register—the committee of the House of Commons had no power to strike off these votes unless they had been objected to before the revising barrister. His hon. and learned Friend told him that he was about to surrender the privileges of that House, though the very same power had been parted with by the Reform Bill, by the Irish Registration Bill, and again by the bill subsequently introduced by the late Government, with a view of making the Irish Registration Bill more stringent; and yet,seeing all this, the noble Lord told them that they were about to part with that power which their ancestors had struggled to retain. Now this was the very argument which had been used against the Grenville Act, and his hon. and learned Friend said, that he considered the Grenville Act to have been an unfortunate act. But did his hon. and learned Friend recollect the scenes that had passed in the House before the Grenville Act had passed? Did the House recollect that every decision was given as a party vote; nay, that it was upon the decision upon a contested election that the vote was come to which had induced Sir R. Walpole to resign office? [Sir *T. Wilde*: I said that I regretted that the House had not proceeded by resolution.] Proceed by resolution! Resolution of what kind did his hon. and learned Friend mean? Was it to mean this? Here was a contested election; a person was charged with bribery, with something that affected his honour. That was to be investigated. Give him then at least this safeguard—if witnesses were to be examined let him have them examined under the sanction of the law, and liable to an indictment for perjury if they swore falsely. But his hon. and learned Friend said, "Why don't you pass a resolution to examine them at the bar on oath?" Did his hon. and learned Friend mean to say,that the House of Commons had power to examine witnesses on oath? His hon. and learned Friend knew that it was essential to have the authority of the Legislature to oblige witnesses to be examined on oath, and to inflict upon them the penalty of perjury. And he knew also that it was necessary to have a legislative enactment to give costs against those who presented frivolous petitions. What resolution? Would they adopt a resolution according to the opinion of a majority of the House in one Session, which resolution, when the majority was the other way of thinking, might be rescinded? And so you might go on alternately exercising and receding from your power. Was that the course they would adopt? But the hon. and learned Gentleman stood alone; for he never heard of any one in modern times who said he regretted the passing of the Grenville Act. [Lord *J. Russell*: Lord Campbell had so expressed himself.] He was not before aware of that, and he did not think the noble Lord meant to say, that he agreed with that opinion. So that supposing the noble Lord to be correct, his testimony came to this—that the Attorney and Solicitor-general of the late Government were opposed to the Grenville Act, and no body else. He should assume then for a moment that the passing of the Grenville Act was not to be regretted. Then by that act they had parted with the privileges their ancestors struggled for, and given it to their committees. By the Reform Act they had materially limited the power of a committee of the House of Commons to review the registry; in Ireland they had left it a doubt whether a committee of the House of Commons had the power to inquire into any vote when once placed upon the register. By the clauses now under discussion, they did not seem to take from the committees any power over voters at all, or any right to inquire into disputed elections. It was not sought to take that jurisdiction from the House; but simply this, that having provided a court of appeal for the decision of questions coming before revising barristers, they had constituted that court of precisely those persons who were most likely to give satisfactory decisions. His hon. and learned Friend (Sir T. Wilde) seemed to mistake the provisions of the act. All that was made final was the decision of the Court of Common Pleas in the individual case, and upon the particular point of law submitted to them. There was nothing else made final at all. His hon. and learned Friend said, he objected to the discretion given to the barrister to state the case to the court. The barrister might refuse to do so or not, as he thought fit. Supposing he did not, what was the consequence? They would present a petition to the House of Commons, to which everything was open, the law, the fact, and everything else. Nothing was changed or altered. The party aggrieved would not be without remedy; for if there were no appeal to the Common Pleas then he had it to a committee of this House. Then an objection was made to the method of appointing the revising barrister. But the plan proposed was as old as the Reform Bill, and should have been objected to when that measure was before Parliament. His hon. and learned Friend said, that from the remuneration provided they would be likely to select those least able to perform the duties. But if his noble Friend had looked into the bill he would see that the remuneration was higher than before. Their object was not to lessen the remuneration but to diminish the number, and he saw no reason why they should not be able to obtain as able assistance from revising barristers under this bill as under the Reform Bill. He would now come to some objections urged by the noble Lord, and which he was sorry had fallen from the noble Lord, because, coming from him, they would be likely to have great weight with the country. When the noble Lord said, that he distrusted the judges of the land—that he did not like to entrust them with the decisions of cases of this kind—he (the Solicitor-general) was sorry to hear such a declaration coming from the noble Lord. Did the noble Lord mean, when referring to the judges in Ireland, and saying that one portion of them gave their decision in favour of one line of politics, and another in favour of another, that when these questions came before the Court of Common Pleas any political consideration would influence the judges of that court in their determinations. He could say this, and he was expressing the unanimous feeling of Westminster-hall and of the country, that every one would have perfect confidence in the decisions of that court. And he was sure the judges of that court would not allow the slightest feeling of political bias to influence their decision in any case that might come before them. Nor did he think that it could possibly arise. They would not have to decide upon the validity of a return at an election, and to say whether A or B was elected; but a case would be sent up from which neither the judge nor counsel would know how a particular decision would affect a political party. They would have to decide without any knowledge of the political bearings of the case. The noble Lord had referred to the law of libel. Now the cause of the alteration in the law of libel was, that the judges themselves, in consequence of an act that had passed, had taken upon themselves to say, that the question of libel was a question of law, and not of fact. They treated it as a question of law; and of course, their decision would be the right one. That was a question for them not a jury. The Legislature thought—and he (Sir W. Follett) did not say unwisely—that it was far better in political libels that the whole question should be submitted to the jury; but that very act of Parliament directed that the judge who tried the cause, should at the same time state his opinion, whether, in point of law, the matter complained of was a libel or not. But this alteration was introduced by the Legislature for the purpose of putting before the jury in a case of libel the same point submitted to juries in other cases—namely, a mixed question of law and fact. But did the noble Lord mean to say, because the Legislature passed that act, that therefore the tribunals for appeals now sought to be established ought not to exist? Where was the analogy between the two? Under the Reform Act difficult questions had arisen as to the franchise; and it had been shown that legal assistance ought to be obtained. Barristers had been appointed to revise the register of voters, and it was thought advisable that there should be an appeal against their decisions. It was at first proposed to create an Appellate Court, to be composed of three barristers, but when that proposition was submitted it seemed to be the unanimous opinion that that tribunal would not be as good, or as satisfactory, as a court of law, and therefore, his right hon. Friend (Sir J. Graham) had proposed to substitute the Court of Common Pleas as a Court of appeal. But they were told that in appointing this appeal to the Court of Law, they were violating the constitution, and abandoning the privileges of the House. He trusted that the House would feel that, in adopting this clause, they were not abandoning any privilege, nor committing any infringement of the constitution, but that they were carrying out that which it was their desire to carry out, namely, the establishment of a good, a perfect, and an effectual court of appeal from the revising Barristers' Court. They were called on to do no more than this, and he hoped they would be able to do that with effect.

Mr. *Hume* said, the case was one of some difficulty, but he thought that it was likely that it would not be single cases, but classes of cases, that would be determined by the court of appeal, and as he thought the reference to the Court of Common Pleas would compel the revising barristers to act on some uniformity of principle, he should support the motion.

The House divided on the question that the words proposed to be left out stand part of the bill. Ayes 102; Noes 26: Majority 76.

List of the AYES.

Ackers, J.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Aglionby, H. A.
Aldam, W.
Allix, J. P.
Arbuthnot, hon. H.
Arkwright, G.
Astell, W.
Baillie, Col.
Baring, hon. W. B.
Barron, Sir H. W.
Bentinck, Lord G.
Bernal, R.
Botfield, B.
Bowring, Dr.
Bramston, T. W.
Bruce, Lord E.
Buck, L. W.
Chapman, A.
Chetwode, Sir J.
Clerk, Sir G.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Collett, W. R.
Davies, D. A. S.
Dickinson, F. H.
Duncombe, hon. A.
East, J. B.
Egerton, W. T.
Eliot, Lord
Elphinstone, H.
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Gladstone, rt.hn. W.E.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Hamilton, J. H.
Harcourt, G. G.
Hardinge, rt.hn. Sir H.
Hardy, J.
Heathcote, Sir W.
Henley, J. W.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, A.
Hope, G. W.
Hume, J.
Inglis, Sir R. A.
Jermyn, Earl
Kemble, H.
Knatchbull, rt.hn. Sir E.
Knight, H. G.
Lacelles, hon. W. S.
Lincoln, Earl of
Lowther, J. H.
Lyall, G.
Mc Geachy, F. A.
Mainwaring, T.
Manners, Lord J.
Marton, G.
Masterman, J.
Maxwell, hon. J. P.
Newdegate, C. N.
Nicholl, rt. hon. J.
O'Brien, A. S.
Palmer, R.
Patten, J. W.
Peel, J.
Pollock, Sir F.
Powell, Col.
Pusey, P.
Richards, R.
Rose, rt. hon. Sir G.
Round, J.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Tollemache, J.
Trelawny, J. S.
Trotter, J.
Tyrell, Sir J. T.
Vernon, G. H.
Williams, W.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Yorke, H. R.

TELLERS.
Freemantle, Sir T.
Baring, H.

List of the NOES.

Arundel and Surrey, Earl of
Barnard, E. G.
Bodkin, J. J.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Busfeild, W.
Collett, J.
Duncan, G.
Hatton, Capt. V.
Heathcoat, J.
Heneage, E.
Jervis, J.
Marshall, W.
Morris, D.
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Protheroe, E.
Russell, Lord J.
Scholefield, J.
Sibthorp, Col.
Stock, Mr. Serj.
Winnington, Sir T. E.
Wood, G. W.

TELLERS.
Hill, Lord M.
Wilde, Sir T.

Bill passed.

ECCLESIASTICAL COURTS.] Sir *James Graham* moved the second reading of the Ecclesiastical Courts Bill,

Sir *R. H. Inglis* rose and said :* Those who were present in the early part of the evening, and those only, can adequately understand the all but unanimous opposition which the bill now under consideration appeared at that time to encounter in the House. From every side petitions were presented against the measure: I may observe, that up to the 31st March inclusive, there had been eighty-two; and in this day's sitting, perhaps half as many more have been received—not from one section only of the House, but from all indiscriminately. And there is this distinction in reference to the present measure, to which I cannot recollect a parallel in reference to any other; namely, that while there have been this number and variety of petitions against the bill, there has not been one—literally not one—petition in its favour. In the language, indeed, of the petition from the Dean and Chapter of Norwich, which I myself presented a few days ago, those who agree on nothing else agree in condemning the Ecclesiastical Courts Bill. I wish my right hon. Friend (Sir James Graham) would consider this state of things. I respectfully urge him to spare, not his ordinary opponents, but the attached friends of his administration, from the necessity of resisting a measure of his Government; and to withdraw, before there be any actual collision between us, a proposition which so many of his own friends are compelled conscientiously to resist. I have already said that the opposition is general. I know that some object to the bill on one ground; some, on another; some, because the bill goes too far; some, because it does not go far enough. [Sir *J. Graham:* "Hear, hear."] I understand the cheer of my right hon. Friend; but I can assure him that, for my own part, I will never invoke the aid of any man except on my own principles. I will not attack the measure except on the grounds which I myself can maintain: but yet it must be obvious to my right hon. Friend, that if, without any compromise of my own opinions, I attack the bill on one side, I cannot be responsible for others attacking it in another way on another side. My own first objection to the measure is, that it is a change uncalled for by any necessity. It surely cannot be contended that change, without need, is in itself a good. Change in civil society is in fact an evil, except to remove a greater evil, or to insure a greater good. The disturbance of an existing institution requires these results in order to justify it. The proposed change effects the destruction of ancient institutions, and, at the same time, the ruin of individuals; while it also, indirectly yet necessarily, involves the hazard of injuring a very important branch of legal study and knowledge throughout the country. I am no advocate for the toleration of an abuse because it is ancient; but I say now, as I have always said, prove the abuse, and then reform it: prove the evil, and then remove it;—but prove, also, that the good which you seek will be greater to the community than the evil which it entails will be to individuals.* Now, first, the proposed bill destroys about 380 ancient institutions. There are nearly 400 courts in England, which have existed, some, I believe, from the Conquest; all, for many centuries; and whatever may be said of the original introduction of the ecclesiastical law into England, or of the institution of these courts, or of the propriety of vesting in them a jurisdiction in matters testamentary the facts of the ancient standing of that law in England, of the courts to administer it, and of the matters administered, are all unquestioned. All of these courts, for one main function of their institution, the present bill destroys. It destroys them, without complaint on the one hand, without inquiry on the other. Yet, of the importance and fitness of inquiry, or, at least, of the propriety of the House receiving something like information on the subject at issue, before deciding it, those certainly must be persuaded, who moved for the reprinting of the famous Report of 1832 on the Ecclesiastical Courts. But if that report, contained in the big *Blue Book* which has been delivered this morning, be necessary to enlighten the House on the subject, the discussion ought now to be postponed: this large volume has not been ten hours in our hands; and a man can hardly yet handle its damp pages without the danger of rheumatism: if, on the contrary, the *Blue Book* be not necessary for the discussion of the measure, why was it ordered to be printed, at an expense which an hon. Member opposite (Mr. Hume), more easily than I, can calculate? In this volume, to which the framers of the present measure refer as their great authority, the destruction of about 380 courts was first projected. I am aware that, on this branch of the subject I shall not have the sympathy of many, who, nevertheless, concur with me in opposing the bill, of which this is one of the results. But it appears to me to be in principle so objectionable, that I cannot consistently refrain from urging the evil of it. Some of these courts are royal peculiars; some are lay peculiars; some clerical peculiars. In these terms, and throughout the discussion, I shall not confine myself to technical language; it is not difficult to clothe the whole question with professional phraseology; but in a deliberative body, like the present, it is better to use the common-sense language of daily life. To the subject of the royal and lay peculiars I will ask the attention of the House at a later period; and to the subject of that mixed character of peculiar attached to the temple in London I will not presume to advert at all: I will rather leave it to its natural defenders, the learned body whose rights and independence this bill despatches by one summary phrase. I now advert to the case of the clerical peculiars, not so much with a view to show their fitness to retain possession of any jurisdiction in secular matters of ordinary society, such as wills, as with a view to show how completely and how suddenly, by one single word, the present bill destroys some of the most ancient and established institutions of the ecclesiastical system of England. Take, for example, the Deanery of Salisbury. The Dean of Salisbury exercises a *quasi*-episcopal jurisdiction over eighty-two parishes—almost half as many as are contained in the diocese of Durham; almost quite as many as were contained in the diocese of Rochester ten years ago. I find this statement of the fact in one of the returns made to the House (No. 232. of 1828, p. 38.):—

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* From a corrected report.

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* On this subject, I am happy to quote the forcible and just observation of Dr. Robert Philimore. (Study of the Civil and Canon Law, Lond. 1843, 8vo., p. 1.) "In our own age, the order of things seems reversed; every existing institution is called upon, in legal phrase, to show cause why it should not be destroyed; the burthen of proof is shifted in a manner so contrary to common sense, equity, and reason, that those who defend what is established are required to demonstrate that it is not, instead of those who attack that it is, injurious to the public weal."

> "The very rev. the Dean of Sarum, by an ancient constitution of the cathedral church, has exercised peculiar and exempt episcopal jurisdiction over eighty-two parishes; the dean having ordinary jurisdiction over the prebends of the Church (in which the prebendaries exercise archiadiaconal jurisdiction, having formerly resided on their prebends) and peculiar jurisdiction in other parishes; and, as ordinary, visiting triennially the prebends, in like manner as the bishop visits the archdeaconries; and visiting annually the other parishes in his peculiar and immediate jurisdiction, according to the ancient statutes of the Church, and the constant usage for above five centuries past."

I take the statement from the return: but the date might have been placed much earlier—almost to the time of the first bishop who had his see in Salisbury, nearly 800 years ago. Is there any proof, is there the slightest allegation, of abuse on the part of the Dean of Salisbury? The actual dean and his immediate predecessors might, I believe challenge inquiry into their conduct. The present Dean visits and charges his clergy like a Bishop, and with great piety and discretion. Nor is this jurisdiction a novelty arising out of the Reformation. I beg the House to recollect that, by the lowest estimate of its antiquity, it has, on the contrary, existed for five centuries; for two centuries, I might almost say five, before the Reformation; for three centuries since. It is possible, though it may be feared not probable, that the bill, after all, does not contemplate the destruction of this jurisdiction without the shadow of a charge against the holder of it. But if it be not intended to destroy it, then it may be said, that the phraseology of the bill is singularly unhappy: and here I cannot but recollect the language of the Dean and Chapter of Norwich, to whose petition I have already adverted, and who, observing that by one form of words in the bill, all chapters and colleges, perhaps even the Universities, are made subject to the visitation of the nearest archdeacon, and being since told that such form of words was a mistake, and did not represent the mind and intentions of the framers of the bill, reply, that such a mistake, occurring in the first clause of the bill, deprives them of all confidence in those who so framed it. It is true that the obnoxious phrase occurs in other measures which, at different times, have been brought in by others, for the regulation or abolition of Ecclesiastical Courts: but this is no justification of its occurring here, if it have, as is believed, the meaning which the chapters affected by it have apprehended it to bear. The measure has by some been regarded as the attack of Doctors' Commons against all England. But I am happy to say, for the credit of Doctors' Commons, that all connected with its courts are not unanimous in favour of the bill. On the contrary, the ablest pamphlet which I have read on the subject, and which I respectfully recommend to my right hon. Friend (Sir James Graham), entitled, "Remarks on the Ecclesiastical Courts Bill," is, though anonymous, understood to be written by a very able and acute practitioner in the London Courts.* If, then, even Doctors' Commons be not unanimous in favour of the measure, is the change asked by the country? I have already referred to the number of petitions against the bill, and to the absence of any single petition for it. In the words of the petition from Carmarthen, presented by an hon. Member whom I see opposite (Mr. Morris), the existing system is to be destroyed "in the entire absence of any expression of dissatisfaction on the part of the public." What, then, recommends the measure? Why, it is "centralisation." Now that word—whatever charm it might once have possessed—has lost that charm in the eyes of the people of England. It is no longer in itself likely to be received as the justification of this or any other great change. Yet half, at least, of the reasoning in favour of the present bill rests on the benefit of "a central system." However inconsistent may be such reasoning on the part of those who in other matters are carrying justice to every man's door, yet, for the sake of argument, I will admit, for the moment, that it is desirable, that there should be one great central court, to which should be transferred all the business of the 380 courts which are to be abolished. May I, without throwing ridicule on the arguments of the friends of "centralisation," try it by this test? namely, will they erect the new court at Northampton, as the actual centre of England? No; their real object is to take all the business from the country, and bring it all to London: the real object is not centralisation, as such, but their own metropolis—not one court, but that one court in Doctors' Commons. I will not attempt to point out all the objections which exist to the present measure, in what it destroys, and in what it creates. I feel that I am likely to need so much of the indulgence of the House on one great division of the bill,—that which relates to the testamentary jurisdiction,—that I must leave to others the task of pointing out in detail the evils in other parts of the bill. I select the question connected with testamentary jurisdiction as the more prominent ground of my objection, not because other matters which I find in this bill do not claim the highest attention on other grounds,—such, for instance, as the jurisdiction in causes matrimonial; such, also, as those which deprive the Church of its attribute of having any temporal sanctions in maintaining its discipline in any case; such as those which exclude from its cognizance altogether a whole class of questions which it has for centuries decided, and such as those which give an appeal from the decisions of a bishop, in matters purely ecclesiastical, to the Queen in Council, without providing that such council shall consist of members of the Church;—it is not from disregard to these subjects that I propose to pass from them to any other, but because I believe that the consolidation of all the business relating to "the wills" of England is, practically, the foundation of the whole proceeding. But, in passing, I would just notice one of the needless inconsistencies of the measure. Having by one clause destroyed at once all the peculiars, lay and clerical, of England, and having subjected chapters and colleges, and perhaps even the Universities, to the visitation of the nearest archdeacon, the bill proceeds, by another clause, to destroy the court of this very archdeacon. The Legislature by a late act gave increased functions to the archdeacon: he is still to remain the *oculus episcopi*,—he is still to visit; but in this function he is to be little more than a common informer, without the power of acting on the results of his visitation. But perhaps I may be told, as in the case of chapters being made subject to the archdeacon, that it is a mistake, and is not intended. All I can say is, that, on the face of the bill, the alterations which it effects, and which, I fear, are at all events intended, are alike extensive and impolitic; and therefore, if in one point I attribute to it a consequence not contemplated, enough of needless change still remains to justify my opposition. Again I say that I defend no abuse: but again I say, prove that an institution is an abuse before you destroy it. The present mode of legislation is rather working in the reckless spirit of savage life, which destroys a tree to get at the fruit, than in the wise spirit of statesmanship, which will always look first to a remedy, before it destroys. My complaint is, that, instead of remedying defects, this measure works a wholesale and indiscriminate destruction. There have been insulated instances of abuse stated; and enough has been made of "the will kept in a hat-box" in some small country registry; but there is little wisdom in making such rare cases the ground of so wide a measure of abolition. I will prove that this is the exception; the present practice in the country courts, as reported to this House, and as I myself have it in evidence, is very different. I will not, of course, trouble the House with details on all or even on many of the registries; but I will take a few, by the fairest of all rules of selection,—the letters of the alphabet. I will, therefore, look neither to the north nor to the south of England; still less to the Whig or the Tory; but I will take two letters of the alphabet, B and C, and only a few instances from each. First, Bedford, which I have myself indeed visited; the original wills are all kept in a room under the same roof with the church; and in another building, copies of all those wills, from 1600, are to be found, transcribed in folio volumes, with indexes as regular as those in Doctors' Commons. Then, Barnstaple: the wills are kept in a fire-proof room, built by the registrar, at his own expense; and copies are made and kept in folio books, as in Doctors' Commons; and the registrar, with whom I have been in communication, states, in reference to the court there, that there has not been one appeal from its decisions in seven years. At Bristol, I learn, on the authority of Mr. Clark, who has officiated there for forty-four years, that the poorer classes obtain, instantly, probate of the wills of their friends without the employment of proctors or solicitors, by going direct to his office. Would the proposed change be beneficial to them? Mr. Clark adds, that there have been only two appeals during his time, and in those the judgments of his court had been confirmed. No appeals have been made from our decisions in the last ten years—is, indeed, the return made continually from the greater number of the country courts.* With respect to the great proportion, in fact, there is very little business for decision, or for appeal. I have looked down whole pages of one of the returns to this House, and find one statement—no suits in this court for the last ten years. So far, therefore, as business is concerned, many of these minor courts might be abolished; but the same fact proves also, that they do no harm. But to return to my list. At Bodmin, as I see by a letter which I have received from Mr. Preston Wallis of that place, another advantage of the existing system is exemplified, which will be lost by the projected change and consequent transfer of all the original wills to London. He says:

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* Charles Bowdler, Esq.: I am glad to take the opportunity of stating here my entire conviction that my right hon. friend (Mr. Nicholl), who retired from Doctors' Commons when he accepted the office of Judge Advocate, has, personally, no more pecuniary interest in the measure than I have; that his own right of patronage under it is not more extensive than mine; and that he has no more an unworthy motive in urging the bill than I have in opposing it. I say this, because to his measure, though certainly not to himself, I am on fuller consideration more and more opposed.

> "Within my own experience, I have known many instances of suits having been amicably settled by an inspection of the will of the deceased in the registry office; the parties have recognized their relative's handwriting, and been content. How is this to be effected at Exeter or in London? How are poor people to travel 100 or 300 miles to see and be satisfied?"

He takes these distances because the bill at all events carries the original documents to London, 300 miles; and then sends down copies to Exeter, 100 miles from some parts of Cornwall, and does not leave in that large county one single court of probate; whereas now, as Mr. Wallis states, half-yearly courts are held in each of its principal towns, and are so arranged that no party has to travel more than ten miles to prove a will. He adds:

> "And when once the difficulty and improbability—of inspection by those interested in detecting frauds or forgeries—are known, it cannot be supposed that such practices will be less frequently resorted to."

To show the value to the great bulk of the people, of their existing privilege of superintending their own business personally and on the spot, Mr. Wallis, in the same letter, states, that, of the 308 wills proved on an average of ten years in his court, 243 were sworn to by the parties either at Bodmin or in his registry circuits, and no more than sixty-three were sworn to by commission. The importance of a party being able himself to see the original will in which he is interested is also illustrated in a letter which I have received from Mr. Davis, a venerable practitioner at Gloucester. This gentleman, who has the experience of nearly half a century, states:

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* Vide Parliamentary Paper, No. 386 of 1838. In the first fifteen returns there is no one appeal.

> "Nobody but those in the practice of it can tell how it appeases angry and litigant parties by taking them to the register office, and showing them the orignial document, the handwriting of the deceased, &c. &c. These are matters inherent in human nature, about which there is no arguing. At present, a will may be seen for a shilling. If deposited in the Commons, I will give you an idea of what the probable expense would be, by inclosing a skeleton of a probable bill.
>
> Mr. *A. B.* to *C. D.*
>
> | | *s.* | *d.* |
> |---|---|---|
> | Attending and taking instructions to search for the will of *E. F.* . | 6 | 8 |
> | Letter to Proctor or agent in London | 5 | 0 |
> | Proctor's attendance to make search | 6 | 8 |
> | His letter in answer . . . | 5 | 0 |
> | Attending you and communicating the result, and consultation thereon | 6 | 8 |
> | Total . . £1 | 10 | 0" |

That is, 1*l.* 10*s.* for doing unsatisfactorily by deputy what is now done satisfactorily in person for one shilling. I hold in my hands another letter, addressed not to myself but to an hon. Member (Mr. Ferrand), the cause of whose absence from the House all will lament; and from this letter, written by Mr. Powell of Knaresborough, and referring to the views of people in that part of the country, I will read a short extract, exhibiting statements similar to those contained in the other communications, and with them deprecating the proposed change.

> "We all know that a poor man is best satisfied with the contents of a will if he sees the will himself, and reads or has it read to him; and I have witnessed many a person who has travelled fifteen or twenty miles to this place to look at a will to see if it were signed by the testator, and who were the witnesses: this appeared to satisfy, for which he had to pay one shilling; and I believe the same charge only is made at York; indeed, I know it is so, because I have many times paid it."

These statements of the benefits of the local courts of probate, and of the evils of the projected change, are, however, incidental and collateral. I will therefore pursue my course of showing, by specimens taken alphabetically, that the sweeping charges against the country offices are unsustained by fact. The next place is Carmarthen. The petition of the mayor, aldermen, &c., to which I have already adverted, affirms that the state of the registries of the diocese of St. David's is very satisfactory, and that the records are preserved with as much care as in the metropolitan courts. The case of Chester, which comes next in the alphabetical order, is, in every point of view, most important; as illustrating the advantages of the local system, and the expense and evils of the alteration now in question. But as I see opposite, the hon. and learned Gentleman who represents that city (Mr. Jervis), I will not intrude with any details on his province: I will only say that the wills are kept, originals and transcripts, with the same care as in Doctors' Commons; and with indexes as perfect: and as to the expense of the two registries I have been furnished with a paper purporting to be a tabular statement of the actual charges for probates and letters of administration respectively granted by the courts of Chester and Doctors' Commons for the two last years. In respect to the accuracy of this statement, I cannot, of course, vouch from personal knowledge; but I can assure the House that it proceeds from one who as to one half of the returns is necessarily the highest authority, and who as to the other half pledges himself to his belief in the statements which he has supplied to me. From this paper it appears, that whereas property in the estate of Knowles to the amount of 35,000*l.* was passed in Chester for 19*l.* 0*s.* 5*d.*, the property of the same estate, sworn at Doctors' Commons to be under 16,000*l.* cost there the sum of 34*l.* 6*s.* 4*d.* Again: a probate for property at Chester sworn under 1,000*l.* in the name of Walkden, cost there 7*l.* 2*s.* 0*d.*; while for 600*l.* in the same name in Doctors' Commons it cost 18*l.* 4*s.* 4*d.* Again: the charges at Chester, in the case of Coglan, with property sworn under 25,000*l.*, cost no more than 7*l.* 13*s.* 6*d.*; while for property sworn under 7,000*l.* in Doctors' Commons, the same estate paid 19*l.* 5*s.* 10*d.* I have taken the two first and the last entries in the year 1841. I could go on with other instances equally remarkable; but I must stop—adding only one observation, that though it might sometimes happen, as in the cases cited, that the highest charge was no great burthen on the property at issue, yet, on the other hand, it might, and did happen, sometimes, that the expense was an inconvenience: and, at all events, such expense ought not needlessly to be increased. As to the working of the courts, I have taken six, under the letters B and C, and I have found that the wills in the country are kept as regularly as the wills in London; I have found by the last instances, that the expense in the country is strikingly less than the expense in London; and I see by one of the papers which have been sent to me, that the searches for wills in the country for a given period were 7,758, while those for the same period in London were no more than 721; showing the interest which the country has in the case. Upon this, however, I lay no special stress. I feel bound to add that some of the judges of the local courts are men of eminent ability. I am sure that my right hon. and learned Friend the Judge Advocate (Mr. Nicholl) will be among the first to admit the high qualities of the distinguished judge, the Rev. William Bruce Knight, who presides as chancellor in the diocese of Llandaff: and there are many others fully entitled to the confidence of the suitors and the respect of the profession. The removal of all testamentary jurisdiction from the country courts will be a practical denial of justice: and though the evil is qualified in the present bill (very inconsistently, indeed, as I might easily show), by leaving to those courts a jurisdiction in the case of personal property under 300*l.*; yet, in point of fact, if there were no other objection to the change, the difficulty of deciding whether such property be or be not within the prescribed limits, would often work great injustice.* As the law stands now, the validity of a will may be decided on the spot, by the country court, on the question of granting probate. I have before me at this moment the report of a cause, Cooper v. Hill, before the Rev. D. A. Williams, who presides in the court at Carmarthen. I have read the proceedings, and have no hesitation in saying that they appear to me not unworthy of any court. Yet the whole question at issue was not more than 100*l.*; while yet the expense of deciding it, if the cause were removed to London, and witnesses on both sides were to follow it, would soon swallow up the entire property. But that property was, perhaps, the all of the claimants; and, at any rate, when they got justice cheaply in the country, they ought not to be compelled to seek it in London, at the hazard, or rather the certainty, of losing the whole property before the decision. This is one of the cases in which the removal of the jurisdiction would be a positive denial of justice. But disputes about the validity of wills are not the only instances in which a wrong may be wrought by the removal of the original documents to London. Every one knows that in the case of the descent of freehold property, the production of the original will is frequently necessary. Take the case of the county of York. I quote from the same letter from Mr. Powell to Mr. Ferrand:—

> "You are well aware that upon every trial where the title to houses or lands is derived by a devise in a will, the original will must be brought into court. Now, if the will is to be brought from London to the York assizes, it will be actually depriving the poor person of his freehold, because he will not be able to raise the ways and means to bring down a person from Doctors' Commons to the assizes at York, perhaps at a cost of from 20*l.* to 30*l.*, which, if at York, would not cost half as many shillings."

And let it always be recollected, that while that expense is the same, whatever be the amount of the property passing by the will at issue, the practical difference to the suitor is very great, whether it be 20*l.* upon 50,000*l.* or the same 20*l.* upon 200*l.*, and the evil of the expense of the charge is felt by the great mass of the people; and for them you are now legislating. When I last addressed the House upon this subject, I stated that the centralization principle of the proposed measure, as then opened by my right hon. and learned Friend (Mr. Nicholl), was directly contrary, not more to fitness and equity than to all the precedents of later legislation, and to measures in analogous matters actually announced by the framers of the present bill. The removal of the country courts to London is contrary to the great axiom and duty of bringing justice, as near as may be, to every man's door—in many cases, it would be an actual denial of justice: and if, as I have proved, it would also in many cases be attended with a great increase of expense, such increase is itself a tax on the country for the benefit of London. Parliament has been endeavouring for the last twenty-five years to reduce the expense and delays of law by bringing questions before the tribunals nearest to the parties interested. Thus by the 59 Geo. 3rd, c. 12, the possession of parish houses may be recovered at petty sessions, instead of in the courts at Westminster or at the assizes. Again, actions for sums under 20*l.* may be tried in the Sheriff's Court, instead of at Westminster, or at the assizes. By the 6 and 7 Will. 4th, c. 96, appeals against parochial assessments are heard at petty sessions, instead of quarter sessions. So, again, with respect to highways. So, again, in reference to the late Bankruptcy Act. And what is the principle of the measure which my right hon. Friend, the Secretary of State, has announced his intention of bringing before the House in the course of the present Session, in relation to county courts? Is it not the principle that justice ought to be brought home to every man's door? Why, then, should that which is right in civil matters not be applied to those which are called spiritual and ecclesiastical? or, rather, why, if it be right to give to a civil court jurisdiction in its neighbourhood, can it be right to take away from an ecclesiastical court, the jurisdiction which it has long exercised in its neighbourhood? If it be right to give to persons living in Cumberland or Cornwall justice at their own doors in parochial assessments, why should they not retain the same advantage with respect to wills? The proposed removal, besides being in many cases a denial of justice, and in very many more an increase of expense to suitors, would also, as I believe, be the occasion of frequent fraud. In the country courts it is hardly possible for any fraud to be committed by attempting to prove a will whilst the testator is living. I may appeal to an hon. Friend behind me, whether the will of a Lincolnshire farmer or gentleman could be proved at Lincoln in the lifetime of the party? All men are known to their neighbours. Is the case impossible in London? Has it never happened in Doctors' Commons? A gentleman went abroad for six months, leaving his will in the hands of his attorney. On his return, he went, as he had been in the habit of going, to the Bank of England, to receive in person his dividends, and asked for those which had accrued on his stock during his absence. "Sir," said the clerk, "I am very sorry to tell you that you are dead. You have been dead some time. There is no stock standing in your name; it has all been sold out for your will has been proved." Could any transfer of a neighbour's property have been effected by such a fraud in any county in England? I believe, that in the case which I have stated, the bank, rather than suffer any inquiry, replaced the stock and paid up the dividends. It is not my object to depreciate the system of Doctors' Commons; nor should I allude to this or to any other error or irregularity which has been committed under it, if its patrons had not seemed to desire to represent the country courts as inherently and incurably vicious, and their own unassailably perfect in all its parts. They desire to have all the wills in England taken up *en masse* to London, and placed in their care; while they would return attested copies to the country. Now, on this last point I may state a case which I have received from a most respectable practitioner in a distant county. He sent for a transcript of a will, in reference to some intended legal proceedings: on perusing it, he discovered such an obvious inconsistency, that he proceeded himself to Doctors' Commons, and examined the original will; when he found that two whole sentences had been omitted by the transcriber. Of course, such an error may happen anywhere; but it will in general be corrected more easily if the original document be left in the neighbourhood of the party interested. I mention it, however, only to show that Doctors' Commons is not impeccable, and ought to have some mercy for the humbler courts in the country. Again, the friends of Doctors' Commons talk of the danger to which wills are exposed in the country repositories. I have already described the secure state of some of those repositories, taken alphabetically. But is there absolute security in London? First, what say Mr. Gostling and Mr. Dyneley, in their evidence in the appendix to the celebrated report of 1832? it is in p. 83—

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* In cases of persons in trade, it will often be exceedingly difficult to ascertain whether the stock, furniture, and book debts do or do not exceed the precise sum of 300*l.* If it do, and the country probate shall have been taken in error, as for property under 300*l.*, such probate will be worse than void, and the executor may be subjected to vexatious or ruinous proceedings. The limitation is also illusive: for, as Mr. Clark of Bristol, whom I have already quoted, says, "there are few tradesmen whose stock in trade, furniture, and book debts do not exceed 500*l.* or 600*l.*; in most cases 700*l.* or 800*l.*; yet probably, on winding up the estate of the deceased, there may not remain, after paying all the debts due from the deceased, a net residue of 100*l.*, frequently not so much. In such cases as these, every 1*l.* is of vast importance; and it is evident that to drive such parties as these to London, to transact a business which has always hitherto been done at home, without expense beyond mere court fees, is a great hardship."

> "Supposing" (they are asked) "the principal registrars were to die, the lease is made out to their executors and assigns probably; and therefore the office where the wills are kept would become the property, for the remainder of the lease, of their executors and assigns?"

Their answer is, "Yes." Does this give the idea of a perfect depository?* But as to London generally—is it the safest place in the empire for the general collection of those documents which are the most important for the property of the people? Is it so safe, from fire for example, that all the wills of England ought to be gathered together there? How many of the public buildings of London have suffered from fire in the present generation? The Tower has not been safe; Westminster Abbey has been in danger; the Royal Exchange has been burnt to the ground; and we are now sitting within walls which remind us of a still greater conflagration. By some such calamity, or by some act of violence, all the wills of England might thus be destroyed. Whether such a catastrophe be or be not probable, it is at any rate more probable, when the documents are brought into any one spot, than when they are scattered over the country. These considerations, are not however, my chief objections to the measure. I must proceed to advert to subjects, which, if I were an advocate, seeking only for success, I should not touch; inasmuch as I know that they will be unacceptable to many whom I address. But as they powerfully influence me, and above all, as they involve, in my judgment, important truths, I am unwilling to refrain from stating them. At the introduction of this measure, two months ago, my right hon. and learned Friend (Mr. Nicholl) called the attention of the House to the disinterested conduct of the Archbishop of Canterbury in having relinquished the patronage connected with the Ecclesiastical Courts in his province, and in having been willing to abandon the style and title of those courts and of his own office in them. I trust that I shall say nothing inconsistent with my reverence for the high station which the Archbishop fills in this church, and nothing inconsistent with the feeling of affectionate respect, if I may be permitted to use the phrase, which I feel towards his grace personally. But I deny the right of the Archbishop — I deny the right of any bishop — to surrender any patronage which they received with their sees. Let them denude themselves, if they please, of their own personal interest in the matter, by accepting for the time being the recommendation of any Minister of the Crown as to the appointment of any individual judge:* but the appointment of the officers in their courts is the inheritance of their sees; and they are not at liberty to compromise the powers and privileges of the establishment by a voluntary surrender of the original right. My argument does not apply to abuses: I have, over and over again, declared that I defend no abuse; but I require the maintenance of the institutions of the country till they shall be proved to be abuses. To the destruction of the institutions now in question, the Ecclesiastical Courts of England, and of the system with which they are connected, I have another and distinct objection. I regard the present bill as another wedge driven in to sever the Church from the State, the ecclesiastical from the civil polity of the realm. At this day and for 800 years, the Church is, and has been, the prominent institution of England. Ever since the Heptarchy, there has never been an age, except in the great rebellion, in which the prelates of

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* "Indeed, we are of opinion, that, even in the existing state of arrangements, it deserves very serious consideration, whether the Prerogative Registry, now the depository of the most important title deeds, both as to real and personal property, ought not to belong to the Government, instead of being, as at present, the property, on lease only, of the Registrars of the Prerogative Court of Canterbury, who hold their offices for life."—Report, p. 42.

* Yet who are the men whom the Archbishops of Canterbury and the Bishops of London have selected? Are they not men who do honour to their science, and to their nation, as much as to their patrons? And are there any superior men, whom, for party politics, or for any other cause, these great dignitaries have passed over? Who appointed Sir Leolin Jenkins, Sir William Wynne, and Sir John Nicholl? I quote no living name; but, above all, who appointed Lord Stowell?

England have not taken the first place among the estates of the realm: at this day, the Lords Spiritual from the first of those three estates which surround the Sovereign. At this day, bishops hold their courts in every part of the kingdom; and in every such court, and consequently in every such district, the name and representation of the church are carried into civil life. Now, to apply to this system the analogy of the temporal power. How much of our reverential feeling for the throne and the monarchical institutions of the country is connected with the words, "The Queen's Writ, her Majesty's Navy, her Majesty's Land Forces, the Queen's Ambassadors, the Queen's Judges!" This House is a portion of the Queen's Parliament; and every act of the Legislature is the Queen's act. We cannot afford to part with this phraseology, as illustrating the constitutional doctrine, that the state of England is a monarchy, administered, indeed, by organs taken freely from the great body of the people, but still essentially monarchical as contradistinguished from democratical. Apply the influence of language and of institutions in the one case to the influence of language and of [institutious in the other. Can any one doubt that the fact of all the property in England being, at the death of the owners, disposed of under the authority and in the name of an Archbishop of Canterbury, or of an Archbishop of York, or of a Bishop of Lincoln, is one of the means by which the state of The Church and its civil influence on society are maintained? Can 10,000 probates issue each year from the Prerogative Court of Canterbury, can as many more issue from the Diocesan Courts, without carrying into every corner of the land some impression of The Church being a great integral portion of the Constitution? I am not, for a moment, comparing the value of the real and spiritual claims and agencies of the Church, with the value of these extrinsic and temporal powers, I am only contending, that in respect to a Church established, these are some of the means by which it is sustained as an establishment: and I warn you against concluding, that because you may not, in the next three or four years, see any direct results of this measure, in weakening the power and influence of the Church, that therefore this prognostic is unfounded. Wait for thirty or forty years; and then compare the social position of the Church, stript as this bill will strip it, with its actual state. For recollect, always, that the existing system places in every diocese and in every city and great town some layman, not merely attached to the Church, but officially bound up with its interests. Is it wise, for churchmen at any rate, to sweep this away? Again, the present system enables bishops to appoint to the office of Surrogate many of their clergy, whose small incomes are often eked out by the discharge of these duties. Is it fitting that this patronage, on the one hand, and these means of usefulness and emolument on the other, should be taken from the Church by the hands of churchmen? Observe, always, if there be a wrong in the existing system, correct it: if there be an imperfect good, capable of being improved, promote it: but do not change, without well-grounded assurance, that you are changing for the better; do not change for the sake of changing. And, more particularly in reference to the subject now immediately in question, do not shelter yourselves under the delusion, that you are acting under the authority of the Commissioners of 1832; since, while their report recommends much which I, for one, think objectionable, still that report, at all events, recommends the preservation of the Archbishop's Court in both provinces,* and continues the name and agency of The Church. Nay, more, Lord Brougham's Bill, introduced in 1835 on this subject, recognised the rights of that jurisdiction. I feel another objection to the present bill. I have already referred to the clerical peculiars, which the bill destroys, It destroys also, at once and without the allegation of abuse on the part of the laity, who for centuries, had held royal and other peculiars in England, these their ancient and legal distinctions and rights. I have taken from one page, in reference to one diocese, (I do not mean that every page and every diocese would present such a list; on the contrary, the series is per-

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* "Nothing is clearer than that the animus of the report is in favour of retaining the two provincial jurisdictions; though, at the close, there is an inconsistent hesitation; but the commissioners say distinctly, p. 67. "It is to be recollected that we proceed on the presumption that the jurisdiction of all the ecclesiastical courts, save the provincial courts of Canterbury and York, will be abolished."

haps unparaleled) the following list of peculiars, from p. 22 of the Parliamentary Paper No. 232 of 1828, being in the diocese of Lichfield. They stand together thus:—The Royal Peculiars;—Tettenhall held by the present Lord Wrottesley; St. Mary in Shrewsbury, by the bailiffs and corporation of Shrewsbury: Penkridge, by Lord Hatherton; Bridgnorth, by Thomas Whitmore Esq., formerly a Member of this House, from whom I have recently presented a petition to the House stating the convenience of his country court having jurisdiction of probate in a population of above 9,000 persons, Hereford being forty-four miles in one direction, and Lichfield about thirty in another:—that he and his ancestors had held this Royal Peculiar for upwards of 200 years; that they appointed the judges and officers; and he prayed, (and here I beg to call the attention of the hon. Member for Montrose to the subject) that, in the event of the bill passing, he and his officers might receive compensation for the loss of the income and places which they enjoy. The list in the diocese of Lichfield went on:—there were Peculiars, as manor courts: Burton-upon-Trent, held by the Marquess of Anglesey; Pashwood, by Earl Cornwallis; Knowle, by Henry Greswold Lewis, Esq.; Balsall Temple, by the governors of the hospital of Lady Catherine Leveson; Barston, by Mr. Hopkins; Baddesley Clinton, by Edward Ferrers Esq., Merrevale, by D. S. Dugdale, Esq.; Wembridge, by W. Charlton, Esq.: Longdon, by the Duke of Sutherland; Harlington, by Sir Hugh Bateman. I might proceed with other instances, to show how much is thus by a stroke of the pen taken from the landed gentlemen of England,—I believe without their being aware of the provisions of the measure. I will add two only to the list; one is the case of the Peculiar of Harefield in the county of Middlesex, held by my hon. Friend the Member for North Warwickshire (Mr. Newdegate). I mention it for the sake of adding some circumstances which the delicacy of my hon. Friend, when presenting this evening the unanimous petition of the parishioners against the extinction of this jurisdiction, could not permit him to state. My hon. Friend recently has expended 2,800*l.* in enlarging the Church of that praish. I do not mention this as if he had done more than his duty; but I do mention it as more than many others would have done—as more than perhaps even he would have done if he had been merely proprietor and patron. My hon. Friend felt that he and his ancestors had, except for a short interval, held this Royal Peculiar since the time of Edward 3rd; and they felt a more than proprietary interest in the well being of the place. And on this subject, as my noble Friend the Member for the city of London does not happen at the moment to be in his seat, I will take the opportunity of stating, what, in his absence, I can state with more freedom; that the late Duke of Bedford inheriting many Peculiars, largely and liberally maintained the churches in them at his own expense. He might have done this if he had been merely the proprietor of the estates or the patron of the livings; but he felt that he had a special and superadded duty as holding the Peculiar; and he acted accordingly. And this, I doubt not, has been the feeling of others also. I have many other objections, strong and distinct, to the bill now on the Table; some of those objections are to parts of the measure, and to principles involved in it, not less important, in my judgment at least, than any to which I have already called the attention of the House. But I have occupied so much of their time, and other Members are so prepared to state the case against the measure that I will not ask more of their indulgence for myself. But, having taken the liberty of recommending to my right hon. Friend (Sir James Graham) one work on the bill, the pamphlet entitled "*Remarks &c.*," I will venture to urge on his attention another also, a volume recently published by Archdeacon Robert I. Wilberforce, on "*Church Courts and Church Discipline.*" I trust that these works, and a reconsideration of the whole subject, will induce my right hon. Friend to change his course. Entertaining as I do the most sincere respect for him, I entreat him to pause: I entreat him to withdraw the present bill, rather than adopt the advice of my right hon. Friend opposite, the Member for Devonport (Sir George Grey), that is, to refer the question to a select committee up stairs; though, indeed, I might prefer a committee to a perseverance in the present measure. For myself, however, I deprecate a government by committees. I wish that the ministers of the Crown should on their own responsibility, bring forward their own measures. Believing that the present measure is ill considered, I urge my right hon. Friend to withdraw it; and if he think fit, to introduce another measure in another Session. I make this suggestion because I honestly believe that it will be impossible for her Majesty's Government to carry this measure through Parliament during the present Session. In saying this I feel assured that I am speaking the sentiments of many who, however reluctantly, will feel themselves compelled to vote against the present bill;—I say reluctantly, because, although they are as independent of the right hon. Baronet as he is of them, they are in the habit of giving their general confidence to him and his colleagues, and because they do not wish to give rise to an appearance of disunion, which yet I as well as they, feel it impossible to prevent,—which yet at the same time they equally desire to avoid. My right hon. Friend must, I repeat it, look to as much opposition from this side of the House as from the other. Taking into consideration these circumstances,—the opposition from both sides of the House, and the unequivocal opposition of the country to this measure, with so many petitions against it, and without a single petition in its favour,—I trust that my right hon. Friend will not press the further progress of the measure. It cannot, at any rate, be regarded as one of such urgent and vital importance as to require an instant adoption. For these reasons, I move that the bill be read a second time this day six months.

Sir *James Graham*, Sir, my hon. Friend the Member for the University of Oxford, has made so direct an appeal to me, that it is impossible for me to delay replying to the remarks with which my hon. Friend has prefaced the amendment that has just been read. I can assure my hon. Friend that if this measure had been hastily prepared, or if I thought, that further deliberation might change my views upon the bill now under the consideration of the House, I would willingly yield to the suggestion for delay. But the bill has not been brought forward prematurely, nor without ample preparation on the part of her Majesty's Government, and I should only be guilty of deception, if I were to lead any one to believe it possible that I could change my views respecting this measure. Considering the view which my hon. Friend takes of this measure, it is quite natural and consistent on his part to move that it be rejected, for he has stated to the House that he looks upon the bill as one that, if passed, would sever the connection between Church and State, would be a confiscation of valuable rights, and would be, on the part of the Archbishop of Canterbury, a surrender of privileges which he has no right to surrender. I feel bound to say, that I distinctly admit the truth of the statement made by my hon. Friend at the beginning of his speech, that I must be prepared for a very powerful opposition to this bill. I am aware, that many of the gentlemen with whom I am in the habit of acting, disapprove of the bill, and I am also aware, that among those to whom I am habitually opposed, there are likewise many from whom I must look for the most determined resistance to the measure. If I were not aware of the grounds of this opposition, I should only have to look at the volume I hold in my hand in order to ascertain them. When my right hon. Friend was at the head of the administration in 1835, an hon. and learned Gentleman, who previously as well as subsequently held the office of Attorney-general (Sir J. Campbell), who was then opposed to the Government, plainly told my hon. and learned Friend, the present Attorney-general and the then administration what would probably be the effect of a measure of this description, affirming that it would give umbrage to the country solicitors, a very powerful body, who would send in numerous petitions on this subject to the House, and would be able to induce many Members to vote against this salutary reform. Sir John Campbell then pointed out the difficulties which would attend a measure of this kind, and I now cite the opinion as a convincing proof that those difficulties have not been over-rated or misunderstood, but I, in the discharge of my public duty, being sincerely of opinion that this measure would be conducive to the public interest, and that it is not of a dangerous nature, as my hon. Friend who has just sat down believes it to be, have thought it my paramount duty, at all events, to submit the bill to the deliberation of Parliament. Anticipating the precarious support which this measure might receive on the opposition side, and aware also of the character of the opposition it would encounter out of doors, in the powerful quarters to which I have alluded, but believing firmly that it is wise in its policy, and would be conducive to the public good, I can not shrink from asking for the opinion of the House on its merits. My hon. Friend says this measure is not called for, and asks from whom it emanates. Never has a measure, effecting a judicial change, been proposed to Parliament, which rested on a concurrence of higher authority than the bill under discussion. First of all, it has been submitted to a commission composed of the highest ecclesiastical and legal authorities; and the bill embodies, with a very slight exception, all the recommendations contained in the report of that commission. When I had the honour of being at the head of the Board of Admiralty, it was necessary to bring under the consideration of a committee of the House the constitution of the Admiralty Court, and, immediately connected with it, the administration of the civil tribunals of Doctors'-commons. A committee was appointed in 1833, to which the question of the Admiralty Court was referred, and an hon. Gentleman whom I see opposite (Mr. Jervis) served on that committee. I am sure the hon. Gentleman, although differing from me in many respects, will agree with me in thinking that the committee comprehended some of the highest authorities in the House. The late Sir J. Nicholl, the present Sir H. Jenner Fust, Dr. Lushington, and Sir Nicholas Tindal were all examined before the committee, and all gave their evidence strongly and decidedly in favour of the principal changes recommended in the report. A bill, founded on that report, was introduced by the Government of my right hon. Friend in 1835, and a bill similar to that, and almost identical in its provisions, was subsequently introduced by the Government of Lord Melbourne, under the immediate auspices of Lord Cottenham, the late Lord Chancellor. That bill, so framed, was referred to a committee of the House of Lords, which went through all the enactments, and made a report in favour of the bill, almost with unanimity, and with certain modifications, not very material, one of which was the admission of an exception in favour of wills below a given amount. We have, therefore, the highest ecclesiastical authorities in favour of the measure, the highest judicial authorities in favour of it, the authority of two or three ex-Chancellors, and of the present Lord Chancellor of England, in its favour. That is my answer to the question of my hon. Friend—from whom does this bill emanate? My hon. Friend is strongly opposed to the abolition of 380 provincial tribunals. There may be some ground for objecting to the abolition of the diocesan courts, but it has been reserved for my hon. Friend to contend for the advantage of the dispersion through England of 380 tribunals, adjudicating on wills, claiming to be the separate depositaries of wills, and rendering necessary the doctrine of *bona notabilia*, which has been the source of more expensive litigation than any other part of ecclesiastical law. I can understand the argument in favour of preserving the diocesan courts, as contrasted with the concentration of the judicial authority in London, proposed by the present bill; but, till I heard the hon. Member for the University of Oxford, I had not supposed that a single Member would contend for the maintenance of 380 distinct local tribunals throughout the country. My hon. Friend asked whether there had been inquiry? I say, that the inquiry into this matter has been more full, more ably and competently conducted than in the case of any other subject of the same importance. The committee recommended, that one court, sitting in London, should be the only court for probate of wills, granting administration, and exercising jurisdiction in the various other cases and matters enumerated, and that the judge or judges should be appointed by the Crown. Sir H. Jenner Fust, Dr. Lushington, and the Chief Justice of the Common Pleas, were examined with respect to the comparative economy of probate taken out in the country, and probate taken out in London, and all declared it to be their opinion, that under proper regulations, which were pointed out by them, and are now embodied in the bill before the House, the cost of probate would not be greater in London than in the country. My hon. Friend charged me with something like inconsistency because I am an advocate for granting facilities for the recovery of small debts in the country, and the extension of county courts for that purpose, while I was defending a measure which would concentrate courts having jurisdiction in probate of wills and administration in London. There is nothing inconsistent in proposing to deal with sums of small amount by local jurisdiction, while large sums are left to be dealt with by the central authority. What is proposed with respect to debts is in exact conformity with what is proposed respecting probate. The local tribunal must from the necessity of the case, be an inferior tribunal, and it is only safe to entrust to the inferior jurisdiction command over property of small amount. My proposition is, that wills disposing of a large amount of property shall be tried before a superior tribunal, where they will have all the advantages of the attention of a judge of high station, who, through life, has been familiar with such causes. The hon. Gentleman has referred to the great advantage of having the wills deposited in the places where the trials are held. It is quite clear that London is the centre of litigation with respect to testamentary property of large value, and there must be great advantage in having in the metropolis a central register of wills. But is there no provision with respect to wills in the country? The bill provides that for wills under 300*l.* there shall be in each diocese a register, in which the original will shall be deposited; and with respect to wills beyond the value of 300*l.*, though the original is to be registered in London, that there should be deposited in the diocesan register a copy of the will. It is calculated that expences will be immensely diminished under the proposed system. The right hon. Gentleman, the Judge Advocate-general, pointed out to the House, on asking leave to bring in the bill, that a large prospective saving would be effected, when the compensations granted by the measures should have fallen in. I am quite satisfied that ample justice will be done to all parties concerned by the compensations granted for the sinecure offices to be abolished, and that, when those compensations shall have ceased, there will be a large surplus available for any extension or improvement of the principles of the measure which it may be thought desirable hereafter to accomplish. Fears have been expressed with respect to fire, but I apprehend that no greater danger exists on that head in London than in York or Liverpool. Twice has York Minster been ravaged by fire, and I will venture to assert that for the last fifty years there have been more serious fires in Liverpool than in London. But these are all minor points. I confess I think the time has arrived when it is desirable to take the sense of the House upon the principle of the measure. The principle of the measure is, the concentration, under a judge appointed by the Crown, of the supreme jurisdiction in matters testamentary and matrimonial. It may be possible that the opinion of the House is opposed to it, but I feel bound to ask for its decision, I understood my hon. Friend to say, it was desirable either that Government should withdraw this measure, or should adopt the suggestion of the right hon. Gentleman the Member for Devonport, to refer the bill, after the second reading, to a select committee. I cannot consent to withdraw it, after the attention which the Government has bestowed on the details, after having formed a sincere opinion that the measure would be attended with benefit to the public, notwithstanding the injury which may be done to private interests. It is equally impossible for me to accede to the proposition of the right hon. Gentleman the Member for Devonport. Great advantages might be anticipated from the right hon. Gentleman's assistance on a committee, but I think that the details of the measure have already been investigated by authorities of superior weight to those which could be collected by any committee that could be appointed. The ecclesiastical commissioners have recommended all the details of this measure, which are sanctioned also by the report of the Admiralty committee. I have also the authority of my right hon. and learned Friend the Judge Advocate, acting on behalf of the Government; also the authority of the right hon. Baronet now at the head of the Government, who, in 1835, brought forward a measure almost identical with the present. I also on the part of Lord Grey's Government, proposed a similar measure, and bestowed great pains on the report of that committee. Under the administration of Lord Melbourne, the then Attorney-general and Lord Cottenham undertook the same subject, and bestowed infinite labour upon it. I have then the opinion of three chancellors in favour of the measure, I have the opinion of the ecclesiastical commissioners in favour of it; I have the opinion of Attorney-generals on both sides of the House in favour of it; I have the report of a committee of the House of Lords in favour of it, I have the report of a committee of the House of Commons in favour of it. Upon principle, then, I cannot yield to the opposition to this bill, and the details of it rest upon the most minute investigation bestowed by the highest authority. With all deference, therefore, I must say, that if the House should think proper to reject this bill, I cannot offer any measure likely to be more acceptable in details. It is a question of principle to be decided upon by the House, and if it should be their pleasure to reject it, I shall deplore the decision. I shall believe that those reasons which I have already alluded to have been triumphant; and with pain I must come to the conclusion, that private interests have prevailed over public consideration; and that a measure, which in my conscience I believe to be sound and beneficial, has been defeated by a combination, such as I am unwilling to characterise.

Mr. *Jervis* repudiated the insinuation cast on the motives of the opponents of this measure by the right hon. Baronet, who, in his opinion, would have done better had he refuted the arguments urged in opposition to it, and proved the advantages likely to follow from its enactment, instead of bringing forward the authority of committees over which he himself presided—[Sir *J. Graham*: no.] Of which, at least, the right hon. Baronet was a member. This was the first measure of the kind on which an opportunity had been afforded of full discussion. The principal objection to the measure was, that it transferred the whole of the contentious, and a great part of the lucrative non-contentious business from different parts of the country to London. When so much stress had been laid on the benefits which would accrue from the enactment of the measure, the House ought also to be made aware of the gross abuses to which it would be liable. The court would be incompetent to an effectual discharge of its duties, and would be utterly ineffective in securing uniformity. These objections had been pointed out in the real property report, and in a petition from the London solicitors—men who could have no personal interest whatever in defeating such a measure—not being allowed to practise in the court, the business of which was restricted to thirty-four practitioners, as he believed, some of whom got 1,000 guineas premium with their articled clerks. There might be conflicting decisions; the Court of Chancery might decide one way and the Ecclesiastical Court another. With regard to the sanity of testators such conflicting decisions were not uncommon in the courts of common law and the ecclesiastical courts. He remembered a case in which this was flagrantly apparent. The case was "Tatham and Wright," in which a special jury found a testator insane with respect to his disposition of his real estate, whose will with regard to his personal property had been incontrovertibly established by the ecclesiastical courts. Nor was this to be wondered at, when in the one case the conclusion was arrived at by means of oral testimony, where the jury formed their judgment from the evidence and personal demeanour of the witness, and in the other the evidence was entirely composed of written depositions. An issue might be directed by the judge of the ecclesiastical court; but only after the expensive process of examining witnesses on paper had been gone through, in order to ascertain whether a doubtful point existed, which it was necessary to send to a jury. Such was the system which this bill designed to perpetuate; for it could not be called a reformation of Doctors' Commons. Why should not the poor man have justice brought to his door in testamentary matters, as well as in matters of civil rights? Why not establish an univeral consistent system? The essence was too much neglected in conducting law reforms. The right hon. Baronet had failed to show the benefits which would be derived from the passing of this measure. Did he complain that ecclesiastical law was improperly administered in the country? Why not, then, send contentious cases when *caveats* had been entered to the superior tribunal in London, without depriving suitors of the advantage of their local tribunals when no difference existed as to the testamentary disposition? But this was not the motive; the object was centralization. He could not understand upon what grounds a distinction was drawn between property above and under 300*l*. Was there greater difficulty in deciding one class of cases than the other? Was it not, on the contrary, notorious that, in consequence of the want of technicality in the drawing up of wills bequeathing property of small value, much greater difficulty arose in adjudicating upon them than in the case of large property where the instrument had been properly prepared by competent persons? It was, in short, establishing one law for the rich and another for the poor. But there were many other serious objections to the measure. In the first place the expense under the proposed system would be considerably augmented. His hon. Friend the Member for the University of Oxford read an extract of the comparative charges in Chester and London. By this comparison it was proved the office fees for proving a will in London were from 15 to 20 per cent. more than in Chester, and it must of necessity be so. There was a practice in London, not prevailing elsewhere, of charging an extracting fee—that was, according to the amount of property sworn to, a fee in increased ratio to the length of the instrument. From a table he held in his hand it appeared that in many cases the charge in London was double the amount of that in Chester. It might be said that if the fees charged were extravagant the judges had power, by the 34th clause, to alter and reduce them, but still the expense in London must necessarily be larger than in the country. The person in the country who had to prove a will in London must employ a proctor or attorney, who must send it to a London proctor, and thus two separate bills must be paid for proving the same will. This, it should be remembered, was not the case of solicitor and agent, for now, under an Act of Parliament respecting the division of profits, a proctor would be struck off the roll if he were known to divide the profits; and consequently, in the case they were considering, the expense must be doubled. The observation of his hon. Friend on the effect of this was well worthy of the consideration of the House. The right hon. Baronet said these wills, in every case, were contested in Chancery. But in every case respecting disputed property, at present the assize town being the town where these registers were kept a man was sent to the register office, there to examine the will at the expense of a few shillings, while under the proposed system a person must come down from London to the assize town in charge of the will, and of course, at much greater expense. Was that no objection, and did it or not deserve attention when they were not professing to reform the whole system, but were merely abolishing local jurisdiction to increase the profits of the central system? He thought also, the Chancellor of the Exchequer was interested in this measure, for with respect to stamps it could not fail to have a serious effect upon the revenue. It was already notorious that in the country no man would prove a will, unless compelled to do so, as, for instance, when obliged to establish his right to some disputed debt, and they might therefore depend upon it, that since hereafter the interest of the proctor would go along with that of his client, enough would be proved to recover the debt and no more. It should be remembered that by the proposed system they would leave but an inferior class of proctors. The practice now was for a solicitor who took stamps for a large amount to give credit for them until the will was proved, but this would not be the case with the London proctor, who, although he did so now, would not do so under a totally different system. It appeared to him this measure would involve them in great difficulty, and for no object but to establish the favourite project of central registration. If this were so why, he would ask, should wills, if above a certain amount be registered in London? Why should not titles to property follow also? If this were not the object, why should the large wills be kept in town and the small ones in the country? Should he be told that it was for the facility of search? But he would tell the House that there was now a very easy means of search through the medium of the Stamp-office. He would advise hon. Gentlemen opposite to be on their guard, lest this system of registering wills in London might be the commencement of a plan for the general registration of title deeds as well. The right hon. Gentleman sneered at the notion of suitors wishing to inspect wills for themselves; but, judging from experience, he knew that suitors much desired to do it personally, and were not satisfied without it It was, therefore, of deep interest to the parties that they should have the power of doing so, and particularly since there were no countervailing advantages, or, at least, none that had been pointed out. He did not object to the abolition of the peculiars jurisdiction, nor to the alteration in the *bonâ notabilia*, which he conceived to be good; but by this measure the criminal jurisdiction of the ecclesiastical courts, courts, with respect to defamation, schism, brawling, smiting, and other offences, which they never heard of without an accompanying desire for its reformation, was left untouched. The bishop's courts, with all their obnoxious jurisdiction in respect to the offences of simony, heresy, schism, incest, adultery, and various offences enumerated in clause eighty seven, remained to be worked by the inferior class of proctors who would be left by the bill, or if that were not the case, the bill was drawn in such a clumsy way, that no man reading it could suppose it had any other intention. He wished also to call attention to the salaries proposed to be given under the new measure. The judge of the Arches Court now received a salary of 3,300*l.* without any retiring pension; but by this bill it was proposed to take from him all the prerogative jurisdiction, place in his hands the contentious jurisdiction, and to give him a salary of 4,500*l.*, with a retiring pension of two-thirds of that amount. At present the judges possessed little patronage, but this bill would give them the appointment of registrars, clerks, surrogates, and other officers. He complained that the bill would increase the salaries of all the officers of the courts. The salary of the Queen's Advocate for instance, would be raised to 500*l.* a-year. Every one must admit that the learned Gentleman who held that office discharged his duties in a most efficient and satisfactory manner. He must say that he considered this feature of the measure most objectionable. This bill precluded country registrars from practising, but an exception was made with respect to London. A great advantage was thus given to the London registrars, for while they might practise as proctors, the registrars in the country would be compelled to give up their practice as proctors or solicitors, and there was no provision for affording them compensation. He considered that the bill did not contain any features to recommend it to the House. On all these grounds, believing the measure to be unsanctioned by competent authority, he should support the amendment of the hon. Baronet.

Colonel *Sibthorp* would support his hon. Friend the Member for Oxford in endeavouring to remove at one fell blow a Bill of that obnoxious character. If her Majesty's Government had made this an open question, many of the Members of the Government would not have supported the right hon. Baronet, the Home Secretary, on that occasion. When a similar bill was brought forward by Lord Campbell, the right hon. Gentleman below him exclaimed against the creation of patronage; and yet now, forsooth, they brought in a bill which gave to Doctors' Commons, who were rich enough and idle enough—increased fees, increased salaries, with an almost unheard of patronage. But he objected to the bill on other grounds; he objected to it on the ground that it took from large bodies their vested rights without a shadow of pretence in their conduct for so doing. It was no measure of reform: it was a measure of revolution. He would say, "Don't remove these Courts at all; but above all, don't remove them to that greedy Doctors' Commons." The bill seemed to him nothing better than a dirty Doctors' Commons job—and he called upon the House to join him in convincing the Government that the independence of the House would not suffer a measure of this obnoxious kind to be forced upon it.

Mr. *Brotherton* moved the adjournment of the debate.

Sir *G. Grey* said, if it were the pleasure of the House to continue the debate—[*Loud cries of* "No, no," "Adjourn," "Go on."] He wished to offer one or two observations to the House—but he did not wish to prolong the debate then against the sense of the House.

Sir *R. Peel* said, that, if the debate had been commenced at five, he should have pressed the question to a division that night; but as the debate was not begun until half past nine, he thought it only right to adjourn it.

The House divided on the question, that the debate be adjourned.—Ayes 136; Noes 51: Majority 85.

List of the AYES.

A'Court, Capt.
Aglionby, H. A.
Aldam, W.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Baring, hon. W. B.
Baring, H. B.
Baskerville, T. B. M.
Bateson, R.
Bentinck, Lord G.
Bodkin, W. H.
Boldero, H. G.
Bowring, Dr.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buller, C.
Busfeild, W.
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Cayley, E. S.
Clerk, Sir G.
Clive, E. B.
Collett, W. R.
Colvile, C. R.
Corry, rt. hn. H.
Courtenay, Lord
Craig, W. G.
Darby, G.
Dickinson, F. H.
Dodd, G.
Duncan, Visct.
Duncombe, hon. A.

East, J. B.
Eastnor, Visct.
Ebrington, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elphinstone, H.
Esmonde, Sir T.
Feilden, J.
Flower, Sir J.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gibson, T. M.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hn. Sir G.
Grimston, Visct.
Grogan, E.
Grosvenor, Lord R.
Hall, Sir B.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hatton, Capt. V.
Heathcote, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hinde, J. H.
Hindley, C.
Hodgson, F.
Hodgson, R.
Howard, hn. C. W. G.
Howard, hon. E. G. G.
Jermyn, Earl
Jervis, J.
Jocelyn, Visct.
Kemble, H.
Knatchbull, rt. hn. Sir E
Lambton, H.
Lascelles, hon. W. S.
Lawson, A.
Layard, Capt.
Leicester, Earl of
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.

M'Geachy, F. A.
Mangles, R. D.
March, Earl of
Marshall, W.
Martin, C. W.
Marton, G.
Maxwell, hon. J. P.
Meynell, Capt.
Mitcalfe, H.
Mitchell, T. A.
Mundy, E. M.
Napier, Sir C.
Newport, Visct.
Nicholl, rt. hon. J.
Ogle, S. C. H.
Palmer, R.
Palmerton, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumridge, Capt.
Pollock, Sir F.
Pringle, A.
Pulsford, R.
Ross, D. R.
Round, J.
Sandon, Visct.
Scarlett, hon. R. C.
Stanley, Lord
Stuart, H.
Stock, Mr. Serj.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Thornely, T.
Trench, Sir F. W.
Trotter, J.
Tufnell, H.
Vernon, G. H.
Vivian, J. H.
Wellesley, Lord C.
White, S.
Wood, Col. T.
Wood, G. W.
Worsley, Lord
Wortley, hon. J. S.
Yorke, H. R.
Young, J.

TELLERS.
Barron, Sir H. W.
Brotherton, J.

List of the NOES.

Ackland, T. D.
Acton, Col.
Astell, W.
Berkeley, hon. C.
Blackstone, W. S.
Bradshaw, J.
Brocklehurst, J.
Bulkeley, Sir R. B. W.
Burroughes, H. N.
Clive, Visct.
Colborne, hn. W. N. R.

Collett, J.
Davies, D. A. S.
Dawnay, hon. W. H.
Disraeli, B.
Duff, J.
Duncan, G.
Duncombe, hon. O.
Escott, B.
Fellowes, E.
Fox, S. L.
Gisborne, T.

Gore, M.
Gore, W. R. O.
Gore, hon. R.
Gregory, W. H.
Hamilton, Lord C.
Heathcoat, J.
Hollond, R.
Hope, A.
Howard, Lord
Ingestre, Visct.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Knight, H. G.
Lowther, J. H.
Marsham, Visct.
Morris, D.

Newdigate, C. N.
Packe, C. W.
Paget, Lord A.
Polhill, F.
Richards, R.
Rous, hon. Capt.
Sibthorp, Col.
Smythe, hon. G.
Spry, Sir S. T.
Taylor, T. E.
Tollemache, hon. J.
Turnor, C.
Wodehouse, E.

TELLERS.
Cochrane, A.
Manners, Lord J.

Debate adjourned.

The House adjourned at a quarter to one o'clock.

* * *

HOUSE OF LORDS,

Tuesday, April 11, 1843.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Registration of Voters; Slave Trade Suppression.

Received the Royal Assent.—Punishment of Death; Coast of Africa; Slave Trade Abolition (Bolivia); Slave Trade Abolition (Uruguay); Slave Trade Suppression (Texas); Coroner's Inquests; Sudbury Witnesses Indemnity.

Private.—$1^{a.}$ Bourn Drainage; London and Brighton Railway.

Reported.—Trenthan Roads; Ipswich Docks; Hungerford and Lambeth Suspension Foot Bridge; Brighton and Hove Gas; Northern and Eastern Railway.

$3^{a.}$ and passed:—Oxnam's Estate.

Received the Royal Assent.—Hull and Selby, Newcastle and Darlington, Sheffield, Ashton-under-Lyne, and Manchester, and Oxford Railways; Bercot and Orford Navigation; Chepstow Water; Carmarthen Market; Birkenhead Improvement; Bolton Gas; Lancaster Lunatic Asylum; Cockermouth Roads; Earl of Leicester's Estate; Grafton Inclosure.

PETITIONS PRESENTED. By the Bishop of Winchester, from Llandysilio and Llandrino, Isle of Wight, Winchester, and Godstone, against the Union of the Sees of St. Asaph and Bangor.—By Lord Ashburton, from East Budleigh, for Amending the present Poor-law.

TREATY OF WASHINGTON—THANKS TO LORD ASHBURTON.] Lord *Ashburton* who seemed nearly overcome by his feelings, spoke as follows:—My Lords, I hope your Lordships will permit me to take this, the earliest opportunity which has been afforded to me, of making my acknowledgments to your Lordships for the resolution which, by the minutes and proceedings of your Lordships' House, I observe your Lordships passed on Friday last. This resolution so flattering to myself, personally is rendered still more valuable by its recording the expressions of your Lordships' satisfaction, that the Treaty which it has been my good fortune to conclude, "is alike advantageous and honourable to both parties," and at the restoration of a good understanding which it is alike the duty and the interest of both countries to maintain unbroken, because I consider such language calculated to promote that good understanding. Expressions so full of wisdom and sound policy delivered by such a body as the Peers of this kingdom cannot fail to have a great effect in producing that consummation which is so much desired. My sense of the great importance of effecting a settlement of those unfortunate differences which had gradually grown up between the two countries was my great inducement to undertake the task imposed upon me without perhaps sufficiently considering my ability for so important an undertaking. I have, however, the good fortune, in the performance of those duties, of meeting with the approval of my Sovereign and her Ministers, and I have now to add my acknowledgments for the almost unprecedented honour of the approbation of your Lordships' House. It is quite impossible for me to assure your Lordships how deeply sensible I am of that honour. In countries in which free Governments are established—such as we and the people of America have the happiness to live under—it is natural that questions of this importance should be discussed with great freedom; and that has been the case with the treaty which it has been my business to execute. Although I trust that the conditions are such as are likely to be conducive to the future maintenance of peace between the two countries, and to have effectually, and fairly, and honourably settled the questions which were in dispute. I must fairly assure your Lordships that the more minute questions of more or less of boundary, which have been the subject of so much discussion both on this and on the other side of the Atlantic weighed in my estimation very little in comparison with the larger question of effecting a settlement which should be satisfactory to men of honourable minds in both countries, and which would contribute to the conviction that the arrangement had been one of honourable terms, and of equality, between two great countries, and which could in that way alone be likely to be permanent and final. It is not my intention to go at all into any questions connected with the subject of those transactions; but I must again express to your Lordships the deep sense I entertain of the honour of that approbation which you have been pleased to express, and which is the highest reward that I could possibly receive for the humble effort which I have made in the service of my country.

The Duke of *Wellington*: I am sure the House will have heard the speech of the noble Lord with satisfaction. I consider it my duty to move that the subject be entered on the journals of the House.

Motion agreed to *nem. con.*

REGISTRATION OF VOTERS.] Messengers from the House of Commons brought up the Registration of Voters Bill.

The Earl of *Shaftesbury* moved that the bill be read a first time.

Lord *Brougham* was not disposed to offer any opposition to the motion of the noble Earl, that this bill should pass through its preliminary stage. He begged to give notice, however, that it was his intention, shortly after Easter, to bring the whole subject of registration before the House. His decided opinion was, that something must be done for the improvement of the existing system of Registration, but he should call the attention of the House to the absolute necessity of considering whether some change was not necessary to be adopted in the general principle of registration. The existing system, in his opinion, contained in itself all the evils of annual Parliaments, without any of their advantages; and having, at the time of the introduction of the Reform Bill, expressed his apprehension that some of its details might be found defective, he should not now shrink from endeavouring to remedy the existing insufficiency of the law.

SLAVERY AND SLAVE TRADING.] Lord *Brougham* rose to lay before the House the bill of which he had given notice, upon the subject of slavery, respecting which some discussion had taken place between his noble Friend (Lord Denman) and the noble Lord the President of the Board of Trade, who was not now in his place. The difficulties with which this important question was invested, was very great, and were, besides, of a very delicate nature, and before he proceeded to detail to their Lordships the particulars of the plan, which he was about to propose, he would beg to offer his best thanks to those distinguished individuals by whom he had been assisted in the preparation of this bill. He alluded to that learned and distinguished person, Dr. Lushington, now no longer a Member of the House of Commons; to Captain Denman, whose practical knowledge of the subject was well known to their Lordships; and to Mr. Beldam, a barrister of very great learning, peculiarly well acquainted with the particulars of this question. He (Lord Brougham) had originally prepared three plans, either of which might have been adopted; but that which he was now about to describe to their Lordships was composed of those three, with many important improvements. There were three main objects in view. The first was the prevention of that species of traffic, which (although in moral guilt and pernicious tendencies there was no doubt it was equivalent to the slave-trade) had been doubted by high authority to be within the law of slavery. The question was, whether a person being a British subject, but residing abroad, and not within the bounds of a British settlement, buying and selling slaves, was not just as guilty in so purchasing slaves, and carrying them either to his own plantations to work, or to other plantations for sale, as if he had gone to the coast of Africa, and had thus, upon the high seas, carried on a traffic in slaves? The question was not settled in Westminster-hall, he must say somewhat to his surprise, and, therefore, some enactment was wanted to put an end to all doubt upon the point. It was necessary that the doubt should be set at rest by a declaratory act. It was quite clear that Parliament meant to prohibit this, that a man should be able to go to Cuba to buy slaves, and carry back the slaves to his plantation; that should be prohibited, and, as the present law was not held sufficient to accomplish that end, it was necessary to declare what the law was to be in future. The first object of the act was to declare that this system could not be tolerated, and to abolish it altogether. The next object was to legislate respecting persons holding foreign slave plantations, for as foreign slave plantations could not be cultivated without slaves, and as such an estate might come to him by inheritance, devise, marriage settlement, or gift, and unless he did some act he ought not to be considered as an owner of slaves, as it was intended to excuse all those who, without any act of their own, had come into the possession of slaves. The next object of the bill was to prevent joint-stock companies established for carrying on projects abroad from buying and selling slaves. Many of the partners in those companies in this country, not knowing anything about the matter, knowing only that they were buying a certain quantity of scrip, had, in fact, been employing slaves. It was proposed to be provided that the proper officers of these companies should give security against the carrying on of such traffic by such bonds and securities as, by order in council, her Majesty in council should provide. Another object was, if possible, to strike at the traffic on the coast of Africa, and this was to be done in two ways: the first was by establishing a better mode of trial, and an easier trial, of slave trading practices by British subjects. The next object which he wished to effect by this measure was to increase the facilities for obtaining evidence, to be used in this country, or in any places abroad where legal proceedings with reference to the slave-trade might be adopted. He proposed to adopt the practice which was introduced by the East India Judicature Act—a measure which was, however, seldom acted upon—which enabled a party prosecuting to obtain a *mandamus* from the Court of Queen's Bench, and so to put in motion the judicatures of the colonies, and to procure through them under certain regulations, evidence which might be received by the legal tribunals in this country, and in other places. Another, and indeed the great object of this bill, was to endeavour to prevent practices in this country which, if not amounting to actual trading in slaves, at least tended to the encouragement and promotion of the traffic on the coast of Africa. It was undoubtedly necessary that some line should be drawn, and that any interference with innocent trade with Africa should be avoided. In order to do this, he proposed to vest in her Majesty in council the power of making certain orders for the purpose of placing persons engaged in the African trade under similar obligations, superintendence, and restrictions, to those which he had proposed to apply to joint-stock companies. The bill contained other provisions, into which it was unnecessary for him to enter at present; for his only object now was to give a general outline of the measure, in order to facilitate its consideration by their Lordships during the recess. He would move the first reading of the bill to-night, and the second reading would not, of course, take place until after the recess. He had avoided entering into any discussion with reference to the observations which had been made on the subject by the learned Lord Chief Justice on his motion with respect to the recent treaty concluded with America, because he was aware that the opinions which his noble and learned Friend and himself entertained on this question were not held or practically acted upon by either France, America, or this country. He certainly would not so far obtrude his opinions as to call on the Government or the Legislature practically to act upon them at present, for that might give rise to great difficulties; but he must say, that he was unable to comprehend upon what grounds any jurist, or any statesman, or any common lawyer, or any man of common sense, could hold that, if the law of any given country declared a certain act to be felony or to be piracy, and if the subjects of that state chose to commit such act, the country whose subjects so outraged its own laws should, with any colour of pretence, or with any consistency of conduct, send an ambassador to complain to us of having interfered with its piratical subjects in the perpetration of the gravest offence which could be committed against its laws, and say, "We will not suffer you to interfere with these parties who have violated our laws, because they are our own subjects, and we claim for them, notwithstanding the perpetration of these iniquities, a right to the benefit of our protection, equally with the most meritorious of our subjects." He did not profess to understand the chain of reasoning upon which that complaint of our searching their vessels, and interfering with their piratical subjects, was founded. He should have thought the *comitas gentium* would rather have led them to approve of our conduct; and, if he had been a subject of France or of America, he would have said to any nation which had interfered with his countrymen under similar circumstances, "We thank you for stopping the parties who were violating our laws and committing such offences. We are indebted to you for your conduct, and in return we promise you to put a stop to similar conduct on the part of your rebellious subjects, for the best return we can make for your kindness is by exercising equal and reciprocal comity to you." He trusted their Lordships would excuse him for having thus alluded to the observations made by his noble and learned Friend the other evening, and he begged to move, "that this bill be now read a first time."

Lord *Campbell* entirely concurred in the satisfactory expression of opinion by his noble and learned Friend, and also by his noble and learned Friend the Lord Chief Justice, the other evening. He could not understand why, as between two nations united for the suppression of the slave-trade, by both of whom it had been declared to be felony and piracy, the unlawful traffic should still be allowed to be carried on, more especially when every civilised nation in the world was engaged in the same good cause of putting an end to this dreadful trade. If, by the law of nations, this trade was considered piratical, all engaged in it ought to be considered and treated as pirates. He hoped that the noble Lord at the head of the foreign department would be enabled to induce the different civilised nations of the world to unite in declaring it piracy. Then slavery might be effectually suppressed, and he feared not till then.

Lord *Ashburton* feared that the view which the noble and learned Lords took of the law was rather what all humane and sensible persons would desire the law to be, which all their Lordships desired should be the law, and which his noble Friend (the Earl of Aberdeen) had pressed all the powers of Europe to make law, than what was law. He feared that his noble and learned Friends who had spoken on this subject, learned as they were at Westminster-hall, would not find their view of the law so much acknowledged as they might desire at Doctors' Commons. By insisting that this was contrary to the law of nations, they would hold that we had a right to interfere in cases of suspicion, because it was held by the best authorities that we had a right without treaty to inquire into the right of a vessel to carry any particular flag; but with a treaty only to inquire whether the slave-trade or any other crime took place on board ships. What he would much desire, and what would be the happiest day the world ever saw, would be when it should be declared to be law what the noble and learned Lords believed to be the law. Such a declaration was what his noble Friend near him was pressing on other powers. He was endeavouring to prevail on the powers of the world, one and all, to come to this humane and enlightened view. With respect to the United States, they had not declared the trade to be piracy, but they had pressed this country to deal with it as piracy. Mr. Rush urged us to declare it piracy by the law of nations, which Mr. Canning had declined to do on the clear and intelligible ground, that no two nations could make a law of nations; they could declare what was law between England and America, but what was made so by all the Christian powers of Europe and America might well become the law of nations. He assured their Lordships that there was no part of America which did not seriously and earnestly desire the suppression of the slave-trade. The Georgias, the Carolinas, and Lousiana were as much interested in the suppression of the slave-trade as was this country, and there had not been for the last fifteen or twenty years any introduction of African slaves into American states.

Lord *Brougham* had not given countenance to the notion that the English Government should act on his views as to the law, he gave them only as speculative opinions. He believed, that the law of nations, like the municipal law, was susceptible of improvement by addition: this chapter might be advantageously added, we were very near it, but it was not yet done.

Lord *Campbell* had not wished it to be supposed that the law as he had laid it down should be acted upon as the law of nations, till it was recognised to be law. He did not think that it need be added, it had become essentially the law of nations, and all that was wanted was a mere declaration of the law.

The Earl of *Aberdeen* observed, that when the noble and learned Lord said, that all the civilized world declared the slave-trade to be piracy, he must remark that there was one country, of some little importance in the world, which declared no such thing—namely, France. Her recognition of that doctrine was still to be obtained. With the most profound respect for the legal opinions of the noble and learned Lords opposite as to what was or what ought to be the law of nations, he, as Minister, was bound to attend to the opinion of the law officers of the Crown, when he had to deal with foreign powers. He would take that opportunity of disavowing all intention of casting any imputation on the gallant officer alluded to the other evening (Captain Denman) in the letter he had written; nothing was further from his intention than to cast any imputation upon that hon. and gallant Officer; and even restricted as his own views were as what was authorised to be done by our cruisers on the coast of Africa, that gallant Officer in anything he had done had not come within the exception he had laid down; and he must add, that there was no one who had more distinguished himself in this important service, nor for whom he entertained a higher respect than that gallant Officer.

Lord *Denman* thought their Lordships would expect some acknowledgement from him of the statement of the noble Earl, which was most gratifying to his feelings. He had proved the other evening that the letter of the noble Earl could not have been intended to cast imputation on the officer in question, and he was now pleased to hear from the noble Earl a full confirmation of what he had said. He must express his great satisfaction at this brief discussion on the bill of his noble and learned Friend, because he was satisfied the more the subject was considered, the more disposition there would be to come to the opinion he had broached the other evening, and which both his noble and learned Friends had, to a certain degree, adopted that evening. He was not sure that his own opinions did not go further than theirs, for he had ventured to speak of a natural law of right and wrong, which made a pirate a publci enemy, and declared the slave-trade obnoxious to the principles of that law. Nothing, however, was further from his wish than to act indiscriminately upon this law, for he deemed it necessary to endeavour to obtain the assistance of other countries to make it effectual. But he believed the Government would do better in their negotiations by starting upon the wider principle, if they viewed the slave-trade in the light of crime which all nations had a right to prevent, and then proceeded to discuss practically what measures should be most effectual, than if they commenced by petitioning other nations to do them the favour to join in putting it down. He could bear his testimony to the statements of the noble Earl, that there was no slave-trade carried on between the coast of Africa and America; and he must also bear his testimony to the satisfactory and honourable manner in which the courts of law in America uniformly exerted themselves to put down the slave-trade: the decisions of these courts were models of what ought to be done in reference to the subject: that made the contrast stronger between the Government and the judicature; for whilst the one was effectively putting down the slave-trade, the other seemed to encourage their own subjects in carrying on that obnoxious trade, which they nevertheless declared to be piracy. It seemed remarkable, that if the judicature were well employed the Government should not accept the proffered aid of our cruisers, and all the force that could be brought for bringing their own subjects to trial for the violation of their own laws. He knew the passage in which President Tyler declared they were competent to deal with their own subjects, and so they were if their subjects were brought before them, but the cruisers of any single power were in sufficient for the purpose. It was only by a combination of cruisers they cuuld hope to make any impression on that boundless coast. To suppose that a squadron of 80 guns could effect a perfect surveillance over a coast 3,600 miles in length, was one of the most romantic notions ever entertained. With reference to what had been said on the subject of the law, he thought it important to observe, that the principle on which Lord Stowell decided the case of the Louis was, that France had not only not abolished the slave-trade, but by an ordinance, had kept it alive until a given time. In that period an English officer searched the Louis, a slave-trader, believing that in the meantime France had abolished the slave-trade; the vessel was conducted to Sierra Leone, and the court there gave judgment against it, but on appeal that judgment was reversed, If the slave-trade had been abolished it would have been very difficult for France to have allowed her subjects, who had offended her own law, to condemn the seizure, or for the Government of France to have complained of it to the Government of this country, but that was not the case, and Sir W. Scott only applied the law to the state of things at that moment. He would venture to say, that the law of nations not only might be altered, but had been altered. The Congress of Vienna had effected a great alteration in the law of nations on this subject, and if they had at once declared the slave-trade to be piracy, they would have placed the principle on a much higher footing in all future negotiations. Unfortunately the prevalence of the slave-trade and the vast interests connected with it had been permitted to prevent the effectual suppression of that crime, as it had long succeeded in delaying any mitigation of its enormity. But public opinion had gradually done more than half its task, and would not leave the remainder unfinished.

Bill read a first time.

Their Lordships adjourned for the Easter holidays to Tuesday, the 25th of April.

HOUSE OF COMMONS,

Tuesday, April 11, 1843.

MINUTES.] ELECTION PETITION.—By Sir T. Fremantle, against the Return for Nottingham.

BILLS. *Public.*—1°· Pound-Breach and Rescue.
Private.—1°· Maidstone Railway; Bury, etc. Navigation; and Llanelly Harbour; Oxnam's Estate.

2°· Belfast Harbour; St. James's (Westminster) Improvement; Mildenhall Drainage.

Reported. — South Eastern, and London and Croydon Railways; Wexford Harbour; Forth Navigation, Aberdeen Harbour; Schoolmasters Widows' Fund (Scotland): Thames Lastage and Ballastage; Norland Estate.

3°· and passed:—Bourn Drainage; London and Brighton Railway.

PETITIONS PRESENTED. By Lords A. Lennox, and F. Egerton, from Chichester, Omskirk, and the Rev. A. Cotton, against the Ecclesiastical Courts Bill.—By Sir J. Easthope, Dr. Bowring, and Messrs. Cobden, Brotherton, and Hindley, from eleven places, for the Total and Immediate Repeal of the Corn-laws.—By Mr. Newdigate, Mr. C. W. Wynn, and Lord Courtenay, from Shiffnal, Exeter, Llandysilio, Llandrinio, and Sutton Coldfield, against the Union of the Sees of St. Asaph and Bangor. —By Messrs. Busfield, E. Buller, Barnard, Ricardo, Brotherton, Thornely, Vivian, Hawes, Sturt, T. Duncombe, Roebuck, Cobden, M. Gibson, and H. Lambton, Lord Emlyn, Lord A. Lennox, Sir T. Fremantle, Lord Duncan, Captain Pechell, Dr. Bowring, and Sir J. Easthope, from a great number of persons and places, against the Educational Clauses of the Factories Bill. — By Lord Courtenay, from Kingsbridge, Spilsby, and Alford, against portions of the American Treaty.—By Lord Clive, from Whitchurch, against any further Grant to Maynooth College.—By Mr. T. Duncombe, from an Individual in Leicester Gaol, against Baron Gurney's Infringement of the Trial by Jury Act. — From Nairn, for Relief to Schoolmasters in Scotland.—From Birmingham, for Exempting Literary and Scientific Institutions from the Payment of Rates and Taxes.—From Ennis, against the Pawnbroker's Trade (Ireland) Bill.—From Limerick, for Abolishing Minister's Money (Ireland).—From Districts of London, in favour of the Health of Towns Bill. —From the Port of London, for Altering the Law relating to the Merchant Seaman's Fund. — From Limerick, for Amending the Irish Corporations Act.— From Bandon, against the Medical Charities (Ireland) Bill. — From Taunton, for Church Extension. — From Hartlepool, against the Municipal Corporation Bill.— From English Presbyterians, against the Law relating to Marriage in Scotland.—From Nairn, for Amending the Law regulating the Transfer of Heretable Property in Scotland.

Factories—Education.] Mr. *Hindley*, seeing the right hon. Baronet, the Secretary for the Home Department in his place, wished to ask him whether he was then prepared to state to the House what alterations he intended to make in the educational clauses of the Factory Bill? and also what portion of the resolutions read last night by the noble Lord, the Member for the City of London, the right hon. Gentleman approved of, and which of them he disapproved of?

Sir *J. Graham* replied, that he was altogether at a loss to answer the question of the hon. Gentleman. Last night, he said, in reply to the noble Lord, that there were certain modifications of the educational clauses of the Factory Bill under the serious consideration of the Government; but he distinctly stated that nothing had yet been matured or determined on by the Government.

Mr. *Milner Gibson* asked whether it were the intention of the Government to extend the operation of the Factory Bill and education clauses to other trades and manufactures in which children and young persons are employed, besides those mentioned in the preamble of the bill? Whether the Government could name the particular employments to which factory regulations were to be extended? It was thought by some, that since there are now commissioners inquiring into the employment of children and young persons in the agricultural districts, it might be the intention of the Government to propose some kind of regulations respecting the employment of children in those districts, perhaps with a view of promoting education, making employment conditional on school attendance, and obliging a farmer, previous to employing a child, to see that such child had obtained a school certificate. He wished to ask had the Government any plan of this sort in contemplation? and when would the report of the commissioners for inquiring into the employment of young persons in the agricultural districts be on the Table of the House?

Sir *James Graham* said, that on a former occasion, he had intimated that it was the intention of Government, after the Factory Bill should have received the sanction of the House, to extend its operations by a supplemental measure to manufacturers of lace and cotton prints, the Factory Bill before the House only applying to manufacturers in cottons, woollen goods, silks, and flax. The report of the commission referred to was not yet ready

Reform of the Criminal Law.] Mr. *Roebuck* said, that there had been laid on the Table of the House reports from the commissioners appointed to inquire into the criminal law of this country, one of which reports recommended a code of criminal law. He wished to ask whether Government was prepared to bring forward in the present Session any measure embodying the recommendations of the commissioners?

Sir *J. Graham* said, that this was a most important question, and he was therefore much obliged by the notice the hon. and learned Gentleman had given him of his intention to ask it. The House was aware that the result of the protracted labours of the commission referred to was seven reports. In the last of these reports the commissioners recommended the consolidation of the criminal law, appending specimens of the mode in which they would suggest this to be done in the laws as to treason and murder. He was persuaded, however, that such important changes in the criminal law could not be effected in this way. There must necessarily be not merely a compilation of the statutes, but also a thorough examination of the decisions of the judges, and of the interpretations of the law by the courts. To render such a compilation safe and eligible, would require the exercise of the utmost caution, the most matured experience, and the most extensive knowledge. He did not think the Government, as a Government, should undertake this compilation. If done at all, it should be the work of a commission; and he was not prepared to say, that for the purpose of attempting this great work, he could advise her Majesty to issue such a commission. It would be one of the greatest changes ever attempted in the laws of this country, having a most important bearing upon the future administration of those laws. He could not conceive a step requiring more cautious deliberation on the part of Parliament than an attempt of this kind. He thought, that a commission for the purpose should not issue on the authority of the Crown, but should be a Parliamentary commission, appointed by statute, and, as at present advised, he could not say, that he was now prepared to recommend such a Parliamentary commission to the House.

MINISTER OF EDUCATION.] Mr. *Ewart* said, that he had been ready and anxious to bring forward his motion, " For a yearly report by a Minister of the Crown on the subject of education." The right hon. Baronet (Sir J. Graham) had represented to him that such a course might embarrass the general question of education. Though he (Mr. Ewart) had opposed, and should continue strongly to oppose (if they remained unaltered), the principles of the educational clauses of the right hon. Baronet's Factory Bill, he would not take any unfair advantage of the right hon. Baronet; and he felt certain that, whenever he brought forward his own motion again, the right hon. Baronet would meet him fairly, and rather facilitate than embarrass its discussion. Further representations had been made to him by Gentlemen disposed to support his measure, that it would come on with more advantage at a later period of the Session. He thought it neither prudent nor proper, in general, to oppose the prevailing feeling of the House, still less the feeling of those who were favourable to a measure. He considered that this measure would gain, rather than lose, by time and consideration. He should, therefore, postpone it till a later period of the Session ; but he should certainly bring it forward before the Session closed.

THE VESTRIES ACT.] Sir *J. Walsh* said, that in order to render the objects of his proposed amendment intelligible to the House, it would be necessary for him briefly to retrace the principal provisions of Hobhouse's Vestries Act, and the circumstances which had led to its adoption. Many hon. Members would no doubt remember the great excitement which had prevailed about twelve or fourteen years ago in the metropolitan parishes on the subject of the close, or self-elected vestries. These vestries had not in the first instance been established by legislative enactments,—they had grown out of a sort of usage, tolerated in the first instance by the body of the rate-payers in populous parishes for the sake of convenience, until they had been suffered to acquire a legal prescription. The system of conducting parochial business by means of close and self-elected, in preference to open vestries, which had thus crept into some parishes, was imitated in others, and incorporated into local acts, and thus became very general throughout the metropolis. But as the expenditure and patronage connected with parochial government augmented in these great and wealthy districts, and the temptations to profusion and jobbing became consequently greater, the parishioners at large grew dissatisfied with a mode which provided no efficient controul over the application of the funds. Great irritation and excitement arose, violent struggles took place in many parishes between the close vestries and the rate-payers at large, which terminated in several instances, particularly in Paddington, St. Giles and St. George's, Bloomsbury, St. Luke's, Chelsea, in the introduction of local acts, in which the elective principle, modified so as to give a certain influence to property, was adopted. The subject was brought before the House by the right hon. Baronet now Member for Nottingham, who obtained a committee in 1829, which sat during two Sessions, collected much important evidence, and made a report, the substance of which he (Sir J. Walsh) would take leave to read to the House. It stated that great dissatisfaction had been felt in many parishes by the absence of an efficient controul over the application of parochial expenditure, and that the adoption of the Act 59th Geo. 3d., c. 12 (Mr. Sturges Bourne's Act), had been attended with great benefit, and comparatively few disadvantages in many parishes, and it recommended the introduction of a measure founded upon similar principles. He (Sir J. Walsh) therefore observed to the House, that the very committee presided over and appointed by the right hon. Baronet (Sir J. C. Hobhouse) had reported not in favour of a measure at all similar to that he subsequently introduced, but of one resembling in principle Mr. Sturges Bourne's Act, which gave great protection to the interests of property. Late in the following Session of 1831, the right hon. Baronet brought in the bill, which passed through its different stages with great rapidity, receiving far less attention than its importance demanded, and it speedily became a law. Its provisions were briefly these:—The first nine or ten clauses prescribed the mode of its adoption in parishes desirous of being placed under it. On a requsition signed by fifty parishioners, the churchwardens gave notice of a meeting, at which the question of its adoption might be put to the vote. It was necessary that two-thirds of the number actually voting should be in favour of it, which two-thirds should constitute a clear majority of the whole number of rate-payers in the parish before the adoption of the act could be carried in the affirmative. When thus adopted, it provided that the parochial affairs should be administered by an elective vestry, chosen by all rate-payers rated for one year or more previous to the time of election, and who should have paid up all rates owing by them except such as might be due for the six months immediately previous to the election. The whole number of rate-payers in each parish voted in common for the whole number of vestrymen. There was no subdivision into wards or districts. The number of the vestry was twelve for every 1,000 up to 120, which number was not to be exceeded. Five auditors of accounts were appointed for the whole parish, who were to be quite independent of the vestry, and to have full powers to examine, and make a public annual statement of the accounts. The qualification of vestrymen and auditors of accounts was in the metropolitan parishes 40*l*. The mode of election was as follows:—The annual elections to take place in the month of May, and notice of meeting for the purposes of election to be given by the churchwardens. The first step at such meetings to be the election of a chairman by the rate-payers present; the second to be the appointment of eight inspectors of votes, four to be appointed by the meeting, and four by the churchwardens. The meeting then proceeded to elect vestrymen and auditors of accounts. Should a poll be demanded, it was to last for three days, and the mode of taking the votes was by the rate-payers delivering unsigned lists to the inspectors of votes folded up, and which the inspectors were to deposit in boxes, without opening them. Having recapitulated the leading provisions of Hobhouse's Act, he would now proceed to explain to the House those defects for which he considered it was necessary to provide a remedy; but he would first allude to one part of the Act which had, he thought, introduced a valuable improvement, and which was entitled to his warm and cordial approval. He meant the appointment of a small body of auditors of accounts, distinct from and independent of the vestry or parish officers, and the publicity given to their statements. He thought that this provision introduced a principle of salutary and efficient controul over the parochial expenditure, and he believed that where economy and reduction of rates had followed the adoption of this Act in certain parishes, it was mainly assignable to this cause. The defects of the law as it at present stood, might be chiefly comprised under two heads:—1st. The absence of all provision for the subdivision of parishes of great extent and population into wards or districts; 2dly. The faults in the mode of election, and the abuses it gave rise to: With respect to the first, he reminded the House that the Act was intended to apply to those great and populous metropolitan parishes, and urban populations, which were, in fact, great cities in themselves. Some of these parishes contained from 130,000 to 150,000 souls. Now under a system which without any subdivision elected the vestrymen indiscriminately from the whole mass of the parish, the first principle of good local government was lost. Local self-government was one distinguishing characteristic of this country, and many of the excellencies of our social system were to be traced to its influence. It was fortunate that it did not require in its administration the possession of great and shining talent. It was not requisite that vestrymen and overseers should be endowed with extraordinary abilities, but it was necessary that they should possess local knowledge; that they should be acquainted with the circumstances and wants of their immediate neighbourhood; that they should know, and be known, to the poor of their district; that they should be selected by those immediate neighbours, who, from personal acquaintance, could place a reliance upon their fitness for their duties, and who could answer for their respectability. Now how were these requisites attained under the operation of Hobhouse's Act? In parishes, which, in point of fact, were extensive, or populous cities, some forty vestrymen are chosen indiscriminately from the whole mass. They were not the choice of particular localities, guided by the knowledge of individuals; from the very extent of the area this was impossible. He was anxious to trace the practical result of this system. As all exercise of individual discrimination by the body of the rate-payers became impossible, the affair fell into a few hands, who made a party business of it. Lists were prepared by them, and blindly adopted by the body of the rate-payers, and thus, as extremes always meet, the evils of a self-elected vestry were reproduced by the very vastness and unmanageable nature of the elective body. Again, he would observe, that the most wealthy and important districts of these great metropolitan parishes were precisely those which had the smallest numerical amount of rate-payers. The very extent of the area covered by a large mansion in Portman or Cavendish-squares, represented by one vote, might furnish ground for twenty houses, and, consequently twenty votes in some small street in the suburbs, or some narrow crowded court. Nor was this less true of those splendid shops in Oxford-street and Waterloo-place, the ornament of the metropolis, and whose proprietors rendered the whole kingdom tributary to their taste and industry, and drew streams of wealth to this great centre from the remotest quarters. The streets occupied by their extensive establishments, covering large spaces, were quite out-numbered in the rate-book by the dwellers in the obscure, but more densely thronged quarters inhabited by the poorer classes. Thus, whole districts, and those the wealthiest and most important, were completely excluded from all share in the parish affairs under this system. He knew that it was a favourite argument with some that as the amount of his rates, however small, was in proportion as great an object to the small rate-payer as to the wealthiest, a right of voting which placed the controul in the hands of the poorer, gave every security for the economical expenditure of the parish funds. But this argument was most unsound if pushed to the extent of depriving the property in the parish of all share in the government of it. He could cite two instances in which there might be the temptation to inflict great injustice upon the richer rate-payers, where they were not adequately represented in the vestry. The first was the assessment of their property to the rates, which the vestry might assess far more heavily than their just proportion, leaving the owners to the vexatious and troublesome remedy of an appeal to the sessions; the second was the power enjoyed by the vestry of excusing rate-payers from payment of rates on the ground of poverty. Thus, under Hobhouse's Act, a rate-payer might vote for a vestryman, owing six months' arrears of rate, and might immediately afterwards present himself to the vestry, and claim exemption from the payment of this arrear: surely the vestryman might feel that to refuse his plea might not only be harsh, but ungrateful. With regard to the second class of defects, those arising from the mode of election, he would just describe an election, which might take place under the Act as it stood, and when he had made this statement he would appeal to the House whether a more monstrous abuse—a more complete mockery of free election could be conceived. Suppose a parish to be divided into parties, and the existing vestry to have the popular voice with them,—suppose that, as is generally the case, they appointed the churchwardens, who in their turn appointed four of the eight inspectors of votes,—the meeting appointed the other four by show of hands, and it might thus easily arise that all the eight inspectors of votes might be of the same party. Again, there was nothing in the act to prevent a candidate for the vestry from being an inspector, and thus it might well happen that the election might be conducted by eight inspectors, all of one side, and all candidates for the office for which they were to return themselves. They were to receive votes for and against themselves; votes given by folded lists, in a manner liable to every species of fraud and trick; could their opponents in such cases feel any security for fair play, or could they avoid feeling that they were subjected to an intolerable grievance and injustice? Having now described the defects which he thought required legislative remedy, he would briefly detail the provisions of his intended bill. One great deficiency in Hobhouse's Act was, that it afforded no means by which any influence was given to property. In this respect it was neither founded upon the Report of the Committee he had quoted, nor upon the evidence taken before that committee, nor upon Mr. Sturges Bourne's Act, nor upon the Poor-law Amendment Act, nor upon the Municipal Corporations. In all these a certain measure of influence necessary for its own protection was given to property. In his proposed bill he intended to effect this, but rather by imitating the provisions of the Municipal Corporations Act, than those of Mr. Sturges Bourne's, and other acts, which created a plurality of votes, in proportion to the amount of property rated. He had no objection to the principle of a plurality of votes, but he wished to disturb as little as possible what he found, and therefore he should not introduce the system of a plurality of votes into his bill, but leave to each rate-payer, as he found it, his single vote. He did propose to divide parishes into districts—each district to return a number of vestrymen proportioned to the amount of property in that district. He proposed that in parishes already under Hobhouse's Act, the districts for the purposes of separate elections should be those in which the poll had hitherto been separately taken, as there was a fair presumption that such divisions had been dictated by motives of convenience. He proposed that in parishes adopting the act in future, the divisions should be made according to the number of rate-payers:—

Parishes containing rate-payers.			
2000 to 3000	into	2	districts.
3000 to 5000	,,	3	,,
5000 to 7000	,,	4	,,
Above 7000	,,	5	,,

And that these divisions should be made by two persons, one to be appointed by the rector, and the other by the vestry; one auditor to each district; and where the districts are less than five, the surplus auditors to these districts rated to the highest amount. The separate elections to be each within the respective districts, voters only to vote in one district. He proposed that the rate-payers should appoint one inspector of votes, and the rector the other. As all his inquiries had convinced him of the solidity of the objections to the manner of voting by ballot, he proposed that the voting should be by lists signed with the voter's name and address, and that the Poll should be taken in one day. There was one great anomaly in the actual law, by which churchwardens and overseers were liable to great injustice, for which he was desirous to provide a remedy. By the general law of the land, poor's-rates were made, not by the vestry, but by the churchwardens and overseers. Under specific Acts of Parliament, the County Rate, and the Metropolitan Police Rate, were charged upon the Poor's-rate; and as the churchwardens and overseers were the parties to levy these rates, they were in the first instance made liable under those statutes for the amount, because they had the power of indemnifying themselves by raising the sums in the parish; but in several metropolitan parishes the power of making rates was taken away by local acts, from the churchwardens and overseers and placed in the vestry. No corresponding provision relieved parish officers in these parishes from the liability for County and Police rate, although they were thus deprived of their power of indemnifying themselves. The case had actually arisen in Marylebone, where a noble Lord, who from motives of a public nature had accepted the office of churchwarden, was exposed to the annoyance of an execution in his house for the county rate. He proposed, therefore, that where the churchwardens and overseers were called upon to pay county or police rates, they should be enabled to call upon the parish treasurer to pay over any balance in his hands for those purposes, and should there not be assets to satisfy these demands, that they might require the vestry to make a rate for that object. He had now gone through the main provisions of his bill, and in conclusion, he would observe to any Member of the late Government, or to any one who had supported the Municipal Corporations Act, that his was almost identical with it. The Municipal Corporations Act established divisions into wards, or districts, so did his bill: it provided that in the appointment of councilmen to the different wards regard should be had to property as well as numbers, so did he; the Municipal Corporations Act established open voting, so did he. You might call one a measure for parochial, and the other for municipal purposes; but, in fact, they were merely verbal differences, for the parochial government of these large metropolitan parishes was to all intents and purposes a government for municipal objects. He could not conceive how any one could approve of the one,—and condemn the other,—or upon what grounds the framers of the Municipal Corporations Act could refuse him their support. He concluded by moving, "That leave be given to bring in a Bill to amend the Vestries Act."

Mr. *G. Knight* said, that it was with regret that he felt compelled to oppose the motion of his hon. Friend; but having been for several years a vestrymen of one of the metropolitan parishes which the measure proposed to be introduced by his hon. Friend would affect, knowing how contrary to the wishes of the rate-payers in that parish any such alteration would be, and not having found that any such evils resulted from the present state of things as had been represented by the hon. Baronet, he should not be doing his duty by his fellow parishioners if he did not resist the introduction of the measure which was now brought forward. The vestry of the parish of St. George, Hanover-square, of which he had the honour of being a member, had been opened by Sir John Hobhouse's Act, several evenings, and, during all that time, the proceedings of the vestry had been conducted in the most unobjectionable manner—the gentry and the tradesmen, of which the vestry was equally composed, acted harmoniously together—nothing like party spirit was suffered to interfere—they never forgot that they were a parochial, and not a political body—in consequence, their undivided attention was directed to promote the good of the community over which they presided. In the first two years, they had effected a saving, in the parochial expenditure, of nearly 50,000*l*., and, whilst the expenditure was diminished, there had been a great improvement in the treatment of the Poor. The right hon. Baronet had complained of the mode of election; but he could not complain of a mode of election by which he had been elected and re-elected over and over again; and he could testify that, in the parish of St. George, at least, a due proportion of the gentry never failed to be returned. It might be different in the parish of Marylebone, because that parish was a borough—and, from that circumstance, political feelings were likely to be mixed up with parochial transactions; but he would leave the defence of Marylebone to its own representatives. So far as St. George, Hanover-square was concerned, he would say, that the present system had worked well, and that he desired no change, much less such a change as was proposed by the hon. Baronet.

Sir *B. Hall* opposed the motion. The measure would interfere very much with the metropolitan parishes, and it was made by a gentleman who had not the slightest parliamentary connection with the metropolitan districts. His hon. Friend had not stated that there was any single grievance under the present system. He had not shown that there had been any jobbing, any increase of rates or expenditure. In fact, in every parish where this Act had been adopted the contrary was the case, and in the parish which he represented the select vestry had, during the seven years preceding the adoption of the Hobhouse Act, expended 1,015,824*l*., whilst the vestry, in seven years under the new system, had only spent 847,000*l*. being a saving of 167,000*l*. under the new system. In the parish of St. James, the comparison of ten years of the present system with ten years of the old system, showed a diminution of the expenditure of 13,000*l*. His hon. Friend had not been able to show any instance of abuse, and without any communication from the rate-payers, without any complaint from them, without even notice being given to them, his hon. Friend brought forward the bill. He hoped the present Government would not give their sanction to an attempt to repeal one of the most valuable measures of the late Government.

Captain *Rous* thought, as far as he was acquainted with its operation, nothing could have acted better than Hobhouse's Bill, and he should object to going back to all the evils of the select vestry system.

Mr. *Hawes* said, that the bill proposed by the right hon. Baronet was not approved of by any persons having local influence or information in the metropolis. He hoped the House would not consent to its introduction.

Mr. *Hume* had had sufficient experience of vestries to dread a return to the old system. The present bill seemed to be levelled at the parish of Marylebone, from which, and, indeed, from nowhere else had a single petition come in its favour; but he was sure that nine-tenths of the parishioners of Marylebone would petition against it.

Colonel *T. Wood* could not admit that the hon. Member for Lambeth had made a fair statement of the feelings of the public upon this subject, because, though in a majority of parishes the people were very well contented with the present act, in Marylebone and St. Pancras there was the strongest party feeling existing that it was possible to imagine. As an instance of it he would mention that the other day a bill was introduced as the suggestion of the trustees of St. Pancras, which every member of the committee approved of as being most laudable; but the committee having introduced the elective principle, making half of them to be nominated by the parishioners and the other half by the vestry, a hostile feeling was kindled immediately and the bill was dropped. As to the measure before the House, he thought his hon. Friend attempted too much. Certainly he had not grounded his propositions on facts, but upon general suppositions. His hon. Friend the Member for Marylebone had stated a strong fact, namely, that under the provisions of Sir J. Hobhouse's Act, those parishes being divided into ecclesiastical districts, each district, previous to the election, met and agreed as to the number of vestrymen to be elected for each; and the way they solved the difficulty was, to elect an equal number for the rich as well as for the poor districts. The votes were taken in five districts, but there was only one rate-book, which was kept at a central spot, so that there was no means of investigating the validity of the votes proffered. If the bill were modified in committee he would support his hon. Friend in carrying it through the House.

Mr. *Mackinnon* would not deny that his hon. Friend had gone too far; but why not let the bill be brought in and go into committee, and then there would be a proper opportunity to strike out what was objectionable? The majority of the borough of Marylebone wished the evils of the present system to be remedied, and there was no other way of meeting their wishes than by the course taken by his hon. Friend, who was met, not in the ordinary way, but in a manner which looked very much like an indication of party spirit.

Sir *J. Graham* said, that he had been asked, on the part of the Government, to undertake to introduce this bill, and he declined; but he said he was perfectly willing to hear the statements which might be made by the hon. Gentleman who had brought forward the measure, and to give it his most deliberate consideration. Most certainly he had been led to believe, that, in the various parishes of the metropolis, there was an earnest desire for a change of the law as now established, and he had come down to the House prepared to be the strenuous supporter of his hon. Friend; but when he heard the hon. Member for North Notts, the hon. Member for Middlesex, and the hon. Member for Lymington, though they supported the hon. Member to some extent, declare that he had gone too far, and when he found that the bill did not receive that support from the metropolitan members which was naturally expected for a measure desired by the inhabitants of the metropolis, he must say that he could not join in the advice given by the friends of the hon. Gentleman to let the bill be introduced; he did not think it advisable to support the measure; on the contrary, he should advise the hon. Gentleman not to press his bill upon the House.

Sir *J. Walsh*, in reply, said that he could not but feel that the House had met his proposition in a spirit somewhat different from that which was usual. He had attended to the loose and desultory conversation which had followed his statement, and had heard hon. Gentlemen near him and others opposite say he had gone too far; but he had heard no attempt to deal with the bill on its merits, and there seemed to be a determination not to allow the subject to be discussed. He thought he had made out a sufficient case to entitle him to the ordinary courtesy, and he had been disappointed of support where he expected it. Therefore, standing alone almost, he should not be guilty of betraying the interests of those who were anxious for an alteration of the law if he submitted to circumstances and withdrew his bill.

Motion withdrawn.

The Bishop of Jerusalem.] Dr. *Bowring* rose to move for the production of the correspondence of the British Government with the Porte on the subject of the Bishop of Jerusalem. The hon. Member proceeded to state the circumstances relative to the mission of a Protestant bishop to Jerusalem. It having been determined that it would be desirable to establish a Protestant bishop at Jerusalem, application was made to the Porte to obtain its sanction to the establishment of a Protestant bishop at Jerusalem, and a large sum of money had been obtained on the understanding that a firman had been granted by the Porte for the establishment of a Protestant bishop in Syria. But no such firman had been granted. The Porte neither could nor would recognise the new Bishopric of Jerusalem. It could not, for the superior tribunals to which such questions were necessarily referred, had again and again decided that it was not competent for the Porte to establish new churches in the countries which had been submitted to the Mussulman sway. And thus the large amount of money which had been raised in England had been raised on a statement which was without foundation. Another object, however, had been connected with this proposal. It was known that there was one monarch in Europe, the King of Prussia, who was desirous of co-operating for the purpose of putting into practice a favourite theory of his, that in Palestine it was probable that an union might be effected between the Lutheran and Anglican churches, and that an experiment might be made to establish a new Protestant authority in Syria. He (Dr. Bowring) believed that that experiment had failed. The proper authority had not been obtained from the Porte, but promises of a vague and unsatisfactory character. But before anything was decided on—without a church—without a congregation to welcome him—unless, indeed, his numerous suite and family might be deemed to constitute his congregation, the bishop appointed to this mission set out for Syria, with a wife and six children, and the Parliament of this country had been called upon to pay the expense of his conveyance to the Holy Land. But how was the bishop suited to his high mission. Of Oriental languages he was wholly ignorant. He was sent among a people with whom he could hold no converse—and though he (Dr. Bowring) had been given to understand he was an Hebrew scholar—he had received no classical education—and, with the exception of German and English, had little or no knowledge of any modern tongue. He believed that he was of Jewish origin, having been born in Poland, and he (Dr. Bowring) would ask any one who had ever visited the Levant, whether there was any circumstance more likely to prejudice an individual than that he was of Jewish origin. It was a common taunt against a person, and the strongest term of invective that could be used against an individual was the *Ebn Tavudi*, meaning, "you son of a Jew." On the arrival of the bishop, the Mussulmans received him with considerable respect—nay, it is said, the Christian bishop entered the city attended by the parade and pomp which the Mussulmans had provided for his reception, and the banner of the cross was borne in procession, accompanied by the crescent of the Mussulman. On this occasion there was great curiosity to see the English bishop, and he excited great admiration; and there were many shouts of "Il Vescovo" (the bishop): still greater was the wonder when the bishop's lady appeared; and the cries of "La Vescova" (the she-bishop) were heard; but wonder reached its highest point, when the bishop's children made their appearance, and the people, exclaiming in an extacy of astonishment, "Santissima Maria! e sei vescovini!" ("Holy Virgin, and six little bishops too!) Now, he (Dr. Bowring) thought that the circumstance of the bishop being married was not calculated to serve him in the estimation of the people amongst whom he went. Throughout the whole east it was impossible to connect the idea of sanctity with the episcopal character, unless the individual had also the reputation of celibacy. He (Dr. Bowring) had already stated that there were great difficulties in the way of obtaining the proper authority for the erection of a new Christian Church. The power of granting that authority did not reside in the Divan, nor even in the Sultan himself. There was at Constantinople a convocation called "The Court of the Mekemchi," to whose decision all questions that involved religious considerations were referred. Several divisions had been come to by this Court of Mekemchi, that no new Christian Church should be allowed to be erected unless in places where a Christian Church existed before. To show the power which the Mekemchi exercised, he might mention that a few years ago the Coptic Christians of Middle Egypt obtained from the Pacha power to build a Christian church at Keneh, and they selected a place for the erection of this church, which was exactly in the line of the route which was annually taken by the pilgrims to the holy cities, and the church was destroyed by the fanatical Mahomedans. Another firman was obtained at Cairo, and the building was again commenced, and again destroyed. It was his (Dr. Bowring's) fortune to come into contact with some of those individuals by whom the church had been erected, and they described to him the disrespect shown to the orders of the Pacha, and asked him (Dr. Bowring) to speak to Mehemet Ali on the subject. He did so, and the Pacha told him (Dr. Bowring), that a deputation of Ulemas had come to Cairo, and referred him to the decision that had been come to by the court of the Mekemchi, and which they said had been settled since the period of the Mahomedan conquest, that no new Christian church should be erected; and he (Mehemet Ali) finding that he had no power to grant such a permission, had no other course to pursue than to reimburse to those parties the money which they had expended in the erection of this church, for that he found he had not the power to grant his authority. There could be no doubt that the same resistance had been found at Constantinople, for in the present state of Islam feeling, the Sultan could no more attempt to set up a Christian Bishop under his authority, than the Archbishop of Canterbury could attempt to sanction by his countenance and support a deputation of Mahomedan Ulemas, come to this country for the purpose of endeavouring to convert the people. He believed, that the Sultan could no more attempt to give authority to build a church, than the Government could attempt the introduction of a law in that House for building a mosque, or allowing persons to preach the Koran in the public streets for the purpose of converting the people of this country. [Hon. *Mèmbers :* "How could you prevent them?"] He did not see how they could prevent them from preaching; but would Parliament attempt to pass a law to authorise them to build a mosque, and to allow Ulemas, under the sanction of the law, to preach the Koran and endeavour to make converts in this country? He believed, that the steps that had been taken, would only cause additional exasperation and irritation, and make the people less willing to listen to the teachings of Christianity or calculated to make more converts. Now, with respect to the connection of the Anglican and Lutheran church, he did not think that a connection with the Lutherans would make our church more popular with the Christians of the Levant, amongst whom the name of Luther was exceedingly unpopular. He believed that this country had been injured by what had been done. He did not think that the establishment of a bishop was calculated to diminish the exasperation that had already existed towards us. When the bill was asked from Parliament for the establishment of a bishop at Jerusalem, it was stated, that no expense would be incurred by the English people. What was the purpose for which the bishop was sent?—what was he to do? Was he to convert the Jews? With respect to the Jews who inhabit the Holy Land, he believed that there was no class of men whose love of their country was greater. He might say that the affection of the Jews to the soil was most touching. They arrived in hundreds from all parts of the world, satisfied to die in the land that had been formerly ruled over by their fathers. He believed, that if the bishops made converts, it would be amongst a class of men, whose conversions could be considered no great honour to any church. As to the Mussulmans the Bishop could not dream of making converts amongst them, and he did not think that amongst the various sects of Christians, he was likely to gain a great number of converts. Nothing could be stronger than the attachment of the Christians of the Levant to their various modes of faith, and he did not believe that any converts would be made amongst them. In the present state of the House, he would not occupy their attention at greater length, and he hoped, therefore, that the right hon. Baronet would consent to the production of the papers for which he now begged to move.

Sir *R. H. Inglis* and Sir *Robert Peel* rose together; but Sir Robert Peel gave way.

Sir *R. H. Inglis* said, that if his right hon. Friend were prepared to state the intentions of the Government, he would at once withdraw, without interposing any delay to the House receiving that gratification. It would be a compliment to the hon. and learned Gentleman who had just sat down to say, that he was surprised at his speech. Much as he objected to its tone, spirit, and manner, it was only what he might have expected. The hon. and learned Member thought fit to speak with taunt and levity of the appointment and the person of the Bishop of the Church of England in Jerusalem. That scorn and derision were misapplied. The appointment did equal honour to the princes who concurred in it, and to the individual who was the object of their favour. For what was the fact? up to the date of that appointment, ours was the only Christian community in the old world, which had not sent one of its highest order of ecclesiastics as its representative to the Holy Land. Why should the Protestant Reformed Church of England be prevented, more than the Church of Rome, the Greek Church, the Armenian Church, the Church of the Nestorians—from having a bishop in Jerusalem? We did not presume to send any one to be the "representative of Christianity" in the East, as the hon. and learned member called the bishop. "The whole front of the offending" in the matter was neither more nor less than this—that Dr. Alexander had been sent forth as one of the highest ministers of our own Church, to reside where the bishops of other communions had long been permitted to reside. So much for the appointment itself—then, as to the person appointed. The hon. and learned Gentleman specially objected to the individual chosen: first, he was stated to be a Jew—as if this were a conclusive disparagement. He (Sir R. H. Inglis,) would not trust himself to advert to the higher considerations which this allusion suggested; but, looking merely to the profession of liberal opinions usually entertained by the hon. Member, and those who sat near him, he might say, that from such a quarter, he hardly expected such a sneer. The fact was admitted; but that the fact was an objection, he for one did not admit; on the contrary, he regarded it as an additional recommendation of the appointment. Was Dr. Alexander the first bishop who had been a Jew? Who was the prelate of the first Christian church? Who was the first bishop in Jerusalem?—was it not a Jew, was it not St. James? We were Gentiles; and could we, as Gentiles, recollecting these foundations of the church, object to any man now a Christian, that he had formerly been a Jew? So much for the first objection to Dr. Alexander. The second was that he was born in Poland. As, however, the hon. and learned Member did not himself lay much stress upon the charge, it was not necessary for him (Sir R. H. Inglis) to dwell upon it. It was enough for him to say, that whatever was the country of Dr. Alexander's birth, he was now a subject of the Queen of England. The third objection was, that the bishop was no scholar; that he was "wholly ignorant of classical literature." Whatever other objections might have been urged to the appointment, he (Sir R. H. Inglis) did not expect to have to meet that charge. In the first place, Bishop Alexander had been Professor of Hebrew and Rabbinical Literature in King's College, London. He (Sir R. H. Inglis) did not presume to give an opinion on his fitness for that office; but he held in his hand the bishop's inaugural lecture as Professor; which he was informed by those entitled to give an opinion, sufficiently justified the choice of those who had appointed him to fill that chair. [Here an hon. Gentleman noticed that there were not forty Members present. Sir *R. H. Inglis* sat down, and the House was counted; but forty being present, he resumed his speech.] He said, that when in compliance with the rule of the House he had sat down, he had been stating the literary qualifications of Bishop Alexander, as exhibited at King's College, London. In the lectures which he there delivered, in the course of his connection with that institution, the bishop had also come under the cognizance of the Archbishop of Canterbury, the President of the College; and of the Bishop of London, the Chairman of the Council; and he had reason to believe, that those eminent persons had a different estimate of the scholarship of Bishop Alexander from that entertained by the hon. and learned Member opposite. In fact, though the bishop might not possess all the *Pangloss* acquirements which were in favour with the learned Gentleman, he (Sir R. H. Inglis) believed, that he might state without hazard of contradiction from any other person, that Bishop Alexander, looking merely to his qualifications as a scholar, possessed them to an extent equal at least to those of others sent out on Missionary labours by any other communion. He had already specified his knowledge of Hebrew and rabbinical literature. The hon. Member himself admitted, that the Bishop understood German. He (Sir R. H. Inglis) would add, that the bishop underwent his examination for deacon's orders, before an archbishop most eminent himself as a scholar, and no careless judge of the scholarship of others. He referred to the late Archbishop Magee. Dr. Alexander was admitted to the order of Priest, by the late Dr. Lindsay, Bishop of Kildare; but it was almost needless to pursue this branch of the subject, because, even if the Bishop possessed all the acquirements of the Admirable Crichton, he would not satisfy the learned Member, whose fundamental objection was that any bishop at all was sent. The hon. Gentleman, indeed, had even a more serious objection to the individual than any which had yet been noticed. The bishop was, it seems, a married man!—as if this were an unanswerable objection. Now he (Sir R. H. Inglis) felt, that, if there were one point above others on which the Protestant Reformed Church of England, so far as related to what might be called her civil polity, stood superior to the Church of Rome; it was in not requiring—in not even encouraging—the celibacy of the clergy. Certainly, from a Protestant, as was the hon. and learned Member, it was not the objection which was the most consistent. So far from the fact being an objection, he (Sir R. H. Inglis) believed, that the presence of the wife and family of the bishop would be favourable, as examples of the social duties which the bishop should himself discharge and should encourage in others. But, says the hon. Gentleman, you have, after all, not secured your bishopric—and you never can: the Porte has not granted its permission; and, for the best of all reasons, because the Porte cannot grant such permission. The Sultan cannot admit your bishop into Jerusalem. This is a strange allegation. He (Sir R. H. Inglis) had already stated that there were Greek and Nestorian, and Armenian and Roman Catholic Bishops in Jerusalem; and that this was some reason at least why the Church of England, also, should desire to have one of its own highest order of ecclesiastics there. It followed, also, therefore, that, if the Mussulmans did not object to the residence of the other bishops in Jerusalem, there was no reason to expect a special objection to the residence of the English bishop there. He might add, that desirable as he thought such residence was on every account, there would be a distinct and great recommendation to it, if, as he had full reason to believe would be the case, Dr. Alexander acted up to the instructions which he carried out. He was directed to endeavour to manifest a spirit of love and forbearance to all other Christian communities among whom he dwelt: not to mix, indeed, in their worship, or to fraternise in any of those peculiarities which we must regard as their errors; but to set an example of charity to all; and, instead of those disgraceful and disgusting squabbles, with which, in the sight of Mussulmans, the different Christian bodies had too often surrounded even the sepulchre of our Saviour, to keep the bond of peace with all, however much he might differ from some in Christian theology. But to revert to the hon. Member's fact, had the Porte refused to admit the bishop into Jerusalem? In the first place, he had thought that it was one of the learned Gentleman's charges against the bishop, that he had entered the Holy City,

> "The banner of the Cross waving below the crescent of Mahomet."

And with more of the pomp of a Mussulman governor than of a Christian bishop. So far, indeed, was it from being the case, that the bishop had been treated with disrespect; the hon. Member himself appeared to admit that the bishop's entry into Jerusalem was marked with special honour; and without calculating how much of that honour was attached to the person of the Queen's Consul-general, her Majesty's chief civil functionary in Palestine, who, at the same time entered Jerusalem, it was at least clear that no disrespect attended the bishop's arrival. Then, as to his residence in Jerusalem: it had been circulated, both on the Continent and here, that the bishop had been subjected to great personal insults and hazards; that he had been attacked with stones while preaching in the open air. There were many to whom the appointment of a bishop of a Protestant Reformed Church to reside in Jerusalem was specially objectionable: and they multiplied reports of this kind to depreciate such appointment. He held in his hand a letter from the bishop to himself, referring to such a report soon after his arrival. The bishop says—

> "There is not a word of truth in the story; in the first place I have never preached in the open air; and, in the next, I have never been stoned."

But he (Sir R. H. Inglis) might ask, even if it were true that stones had been thrown at Bishop Alexander as a mark of insult and hatred to his office, might not the same be said, in respect to one of our own bishops, the Bishop of Norwich, a similar outrage against whom, as he was performing an episcopal function, formed the subject of a trial a year and a half ago, in one of our own quarter sessions or assizes? As a further proof of the kind of reception which the bishop had really received, he might add that he had seen another letter from him, in which he quoted one of the exaggerated oriental expressions—a style recently made familiar to the House—in which, addressed as it was to himself, the bishop was told that "his arrival in Jerusalem was half paradise." Whether, therefore, the Porte had or had not granted, or promised to grant a firman, to allow the bishop to reside as bishop in Jerusalem, or to build a church there; this at least he could assert, that the bishop enjoyed as a British subject the protection of the Porte; and, even admitting that he could not build a church as such, which yet he (Sir R. H. Inglis) did not admit, he was at any rate at full liberty to convert two houses into a church, or to erect a building which he might use as a church; and in all this he received from the Turkish authorities the protection due to a subject of the Queen. The House would learn with pleasure that the religious duties of the bishop were not without encouragement: he did not know how lately the hon. and learned Gentleman might have been in Jerusalem, perhaps it was some years since; but he (Sir R. H. Inglis) had seen a letter stating that when the bishop had last administered the Holy Communion there were twenty-four communicants; and under God's blessing, there was every hope that the congregation of our church would increase.

Sir *R. Peel* said, perhaps acceding to a motion for the production of papers may depend, in a great measure, on the tone and spirit in which the application is made, and I think the hon. Member who brought forward this motion, appears to have been actuated not only by a hostile spirit with respect to the Bishop of Jerusalem, but that he has commented upon his reception in a tone of levity not at all suited to the importance of the subject. Certainly it could not be expected, that a person undertaking the discharge of episcopal functions under such circumstances should not labour under some prejudices, and not have to contend against difficulties; but I am bound to say, that the production of the correspondence moved for would not be calculated to lessen those difficulties, or relieve him from those embarrassments connected with the discharge of his duties. On these grounds, I feel bound to state that it would not be consistent with my sense of public duty to produce the correspondence. But even were I able, consistently with my sense of public duty, to produce the correspondence, I should have great unwillingness to risk the production of that impression on the public mind which might be created if the hon. Member's motion was agreed to. I do not see the public grounds for his motion. The hon. Member says that we assured the public at the time, that this appointment would cause no public expence. Well, it has not, beyond the Bishop's conveyance to the coast of Syria. All the assurances given at the time of his appointment will be fulfilled. No demand has ever been made on the public purse for any allowance, nor am I aware that there is any probability that any such demand will be made; therefore the hon. Member had no right to charge those by whom the nomination of this Bishop was originally promoted with any departure from the arrangements then proposed. The hon. Member says, that the greatest prejudices exist amongst the inhabitants of the coast of Syria with respect to his appointment. I apprehend that there is great exaggeration on this subject. I hold in my hand an account of the Bishop's reception on his arrival, which was as favourable as could have been expected by the most sanguine friends to his appointment. I have here the report of Colonel Rhodes, who accompanied the Bishop in his passage from Jaffa to Jerusalem, and on his arrival in the Holy City. Now, with respect to the prejudices stated to exist on the part of the Roman Catholics in Syria, he believed that there was no foundation for that statement. He knew that the Roman Catholic Bishop of Smyrna expressed satisfaction at his arrival, and that he was actuated by those feelings which would induce all Christians to rejoice at the spread of Christianity. The hon. Member said, that during his experience he saw more Christians become Mahometans than Mahometans become converts to Christianity. [Dr. *Bowring:* I said, I did not think conversions to Christianity likely to be sincere.] The hon. Member did not believe those conversions to be sincere; but is not that a reason why the means of attending to the pratice of their religion, according to the forms of Christian worship, should be afforded to Christians. Was not this a reason in favour of the appointment of a Protestant Bishop, in order that the great reflection might no longer rest on Christians of having acted in this way. Was it not probable that by these means you will prevent those exhibitions so disgraceful to the Christian's character. The hon. Member has asked, if Mahometans were to come here and ask leave to build a mosque, would leave be granted to them? We certainly might refuse to grant them any such privilege under legislative sanction, but we have not asked for any such provision with respect to this appointment. But, if the hon. Member, who professes such a zeal for Mahometanism, chose to erect a mosque, and preach so as to endeavour to gain converts, I am not aware of any law to prohibit him. We did not seek for any power for the Bishop, and he has no jurisdiction or authority to compel submission to any mandate he may issue or to enforce any obedience to him. I should be very sorry to offend the prejudices of the population to which the hon. Member alluded, or to run counter to that fanaticism unnecessarily, but I think it would show a disregard of our own feeling, if we allowed that prejudice or fanaticism to prevail against our religious convictions and impressions. It might have been said, to Mr. Borrow with respect to Spain, that it would be impossible to distribute the Bible in that country in consequence of the danger of offending the prejudices which prevail there; yet he, a private individual, by showing some zeal in what he believed to be right, succeeded in triumphing over many obstacles. Believing that if, on the part of the Government, I acquiesced in the motion, prefaced as it was by the speech of the hon. Member, I should appear to indicate an indifference with respect to the object of Bishop Alexander's labours, and believing also that there are great misapprehensions in the minds of some individuals, as to the hostility of other countries to the appointment of the Bishop, I cannot agree to the motion. It was represented amongst other things that the French court was opposed to this appointment of the Bishop, but on a communication with Monsieur De Bourqueney at Constantinople, we received a perfect denial of the slightest intimation of any such feeling. Believing, therefore, that an erroneous impression might arise, were I to accede to the motion of the hon. Member, and being inclined to give every aid towards the success of that mission, I cannot agree to the motion.

Mr. *Hume* was glad to hear the hon. Baronet (Sir R. Inglis) say, that there was nothing in the fact of an individual being born of Jewish parents to prevent him from obtaining a high religious office. He hoped, therefore, that when the opportunity was next afforded to him, which would perhaps be soon, the right hon. Baronet would give his vote in favour of a removal of all civil disabilities from the Jews. His hon. Friend (Dr. Bowring) deserved the thanks of the House for obtaining that acknowledgement from the right hon. Baronet. With respect to the object for which the Bishop had been appointed to Jerusalem, he was of opinion that where a man was anxious to promote those religious feelings and that belief which he held to be right, he ought to be allowed to do so, when, in thus acting, he did not interfere with the law. He was of opinion, that it would have been better, if before sending out the Bishop, they had ascertained how he would be received, and secured for him that respect to which he was entitled as a British subject. It was in reference to that consideration, as to the reception and treatment of the Bishop, that he thought any inconvenience could be attached. He was sure that no man was more in favour of the extension of religious enlightenment than his hon. Friend who brought forward the motion.

Viscount *Palmerston* concurred in the view taken by the right hon. Baronet the First Lord of the Treasury, with respect to the motion before the House. It did not appear to him that there were any Parliamentary grounds for the production of the papers moved for, and he could easily understand that the presentation of these papers would tend to impede, rather than advance, the objects and labours of the bishop of Jerusalem. He regretted that his hon. Friend had introduced his motion in a speech so characterised by tone and manner as that which his hon. Friend had addressed to the House. He could not compliment his hon. Friend on the good taste of that speech, or the judgment he had shown in supposing it to be well adapted to induce the House to accede to his motion. His hon. Friend had lavished some witticisms on the fact of Bishop Alexander being a married man, and being accompanied by his wife and children. Now it seemed to him rather extraordinary that a Protestant should deem that fact a subject for either surprise or merriment, or should consider that a circumstance connected with the doctrine and discipline of the faith of which he was a member, could be a matter for reproach or ridicule in any quarter of the world. He should think that any Protestant would rather deem such a fact a matter of praiseworthy distinction between Protestant churches and other churches, and a subject for pride and self-congratulation. But his hon. Friend was mistaken in the facts on which he had founded the impression he sought to excite, because, although marriage was forbidden to the clergymen of the Catholic Church, it was not so in the Greek church with which the Protestant Church would naturally come into comparison in that part of the world. It was true he believed, that the bishops of the Greek church were not married men; that was to say, that no married man was a bishop in that church. But his hon. Friend knew that in the same church no man could be a priest unless he was married, so that in the lower degrees of officers of the church marriage was an essential requisite. With respect to the assertion that demands had been made inconsistent with the Turkish law, he would observe that the British had asked no favour of the Turkish government. A British subject had merely gone to Turkey, and no Turk had any right to molest him, provided his employment or object was not contrary to the Turkish law—as he apprehended that of bishop Alexander was not—and, therefore, if he were molested it would be at the peril of the aggressing party, for the British Government might demand the punishment of any person so violating the treaties between the two countries. His hon. Friend had stated that it was contrary to the Turkish law to erect a Christian place of worship, but he knew that a Greek church had lately been built in Constantinople; and if such a favour was shown to the Greek church he thought they might safely presume that it would be also extended to the English Protestant church. He believed, however, that several Christian places of worship by the tacit permission of the Turkish government, had been, from time to time, erected within the Turkish dominions. This appointment had entailed no expense on the country. He thought the measure an expedient one, He differed altogether from the opinion that the appointment of this bishop tended to increase fanaticism, and to add to the bitterness of religious hostility to the Protestants in Palestine. On the contrary, he thought it would tend to allay that bitterness, and it must inevitably in its consequences tend to good. He was persuaded that, however his hon. Friend might indulge his fancy in what he thought ridicule, he could not seriously view with dissatisfaction the spread of the Christian religion in Syria. He thought his hon. Friend's objections were founded very much on that misinformation which it was shown he had received as to the reception of the bishop, and the conduct pursued towards him, not only by the Turkish authorities, but by the dignitaries of the Christian communities. The arrangements out of which this appointment took place was not long before he left office. The representations of the Prussian government were received with alacrity by our Government; and he took on himself the full responsibility of having determined on sending out a bishop. In spite of the attempts which had been made in this country and elsewhere to throw ridicule on this arrangement, he looked back with great pleasure and with some pride, on having been the person to whom those communications were first made. Every one knew with regard to the East, that they who stood on their right, and insisted on its being respected, were sure to succeed; but if language was held which tended to cry it down, others would be found soon to take the hint.

Dr. *Bowring* said, that the grant of money having been made in this case, he thought it a fair subject for discussion. He took in very good part everything that was said as to the impropriety of his observations; but he really had intended to treat it without exaggeration. He should withdraw his motion for the present.

Motion withdrawn.

ALLOTMENTS TO LABOURERS.] Mr. *Cowper* rose to move for a select committee to inquire into the propriety of setting apart a portion of all waste lands which shall be inclosed by act of Parliament, to be let out in small allotments to the labouring poor of the district, and also into the best mode of effecting the same. There had been considerable experience as to the effects of the allotment system, and it was shown to be highly beneficial. The cultivation by spade husbandry increased to an extraordinary extent the produce of the land. It had been shown that land of scarcely any value had by this means been brought into profitable cultivation, and that land somewhat fertile had increased in value seven fold. The scheme which he wished to see adopted, was that of setting apart a very small part for each man, to be cultivated in his leisure hours, but not to interfere with his usual daily employment. This would add materially to the comforts of the poor man, without making him independent altogether of work. It struck him, when vast quantities of land were about to be enclosed, that a proper opening was afforded for the introduction of this system; and while parts were apportioned according to the rights of each, the public interest should not be lost sight of when the residue came to be dealt with. It had been found that this system was a sure method of keeping down the rates; and in a district near Bath a reduction had been thereby effected from 700*l*. to 200*l*. The general comforts and well-being of the working man formed a subject well worthy of the attention of the House. They should do their best to make him contented and happy. It was very important that these allotments should be judiciously made; for if this precaution was not taken, the poor man might be induced to embark too much of his capital, and though favourable seasons might yield a return, yet he soon found himself overtaken by want. He was sure, that under proper regulations, they would prevent the labourer from having recourse to the ordinary excitements of dissipation, and that a change of character must be effected by teaching him to rely on his own exertions for the improvement of his condition. In West Kent, 3,000 allotments had been made, and in 1841 and 1842 none of those holding them committed offences against the laws, though many of them previously lived by poaching, and in other disreputable ways. The eagerness with which the labouring people caught at a favourite day-dream of the Chartists, that every man should have a bit of land of his own, showed how great a desire existed to become proprietors of land. He desired to see this scheme reduced within legitimate bounds, and every labourer renting a small allotment. He was not desirous to wait for the Enclosure Act about to be introduced, because he understood it included no provision for allotments. He hoped the House would think an effort to change the character of many labourers from being idle and vicious, to being industrious and well conducted, worthy of being made.

Sir *J. Graham* agreed, that such allotments would be conducive to the comfort of the labourer if kept within very narrow limits. The land allotted must not be considered by the labourer as a provision for his family. The plan had been tried already by kind and considerate landlords with the best effects. He thought the present a more safe course than that proposed the other night by the hon. Member for Knaresborough. He should gladly assent to the committee, if fairly selected, for he should be sorry to interfere with so benevolent an object.

Mr. *Hume:* There was nothing at this moment to prevent landlords letting out allotments. He considered this motion would only tend to raise delusive hopes, and take the minds of the people off the real object—a free-trade in corn. Why adopt a doubtful expedient when a remedy was before them whose efficacy nobody questioned? He had no objection that the hon. Gentleman should amuse himself with collecting evidence on this question, but he should rather see him assisting to repeal the Corn-laws. The way to relieve the working man was to remove the taxes which he bore; they now paid 70 per cent. of the whole amount. Let the landed proprietors bear 20 or 30 per cent. of the national burdens, as they did in other countries.

Colonel *Wood:* It was no reason, because it might be determined to open our ports hereafter to the corn of other countries, that the poor man should be prevented from raising some for himself. As in former enclosure acts certain quantities of the enclosed lands were set apart for the use of the parish in which they were situate, and these were let by the overseers of the poor to one farmer, the rent being applied to reduce the poor-rates, he thought the committee should have power to inquire whether these lands might not be more usefully allotted in small parcels to labourers, and he should, therefore, suggest the addition after the words "act of Parliament" of the following words, "or of any lands which under any enclosure acts, shall have been appropriated to the benefit of the poor."

Suggestion agreed to.

Motion agreed to, amended as follows. Committee appointed—

"To inquire into the results of the allotment system, and into the propriety of setting apart a portion of all waste lands which shall be inclosed by act of Parliament, or of any lands which under any Inclosure Act shall have been appropriated to the benefit of the poor, to be let out in small allotments to the labouring poor of the district, and also into the best mode of effecting the same."

Notice was taken that forty Members were not present, and the House adjourned at half-past nine to April 24th.

HOUSE OF COMMONS,

Monday, April 24, 1843.

Minutes.] Election Petitions.—Of George de la Poer Beresford, against the Election for Athlone Borough.—Of John Whyatt, against the Election for Nottingham Town.

Bills. *Public.*—1°. Poor-law Amendment (Ireland); Fines and Penalties (Ireland).

Reported. — Testimony in the Colonies; Apprehension of Offenders.

Private.—2°. Maidstone Railway.

Reported.—St. Helen's Waterworks; Neath Harbour; Liverpool Docks; Preston Waterworks; Milne's Free School.

3°. and passed:—Norland Estate.

Petitions Presented. By Colonel G. Langton, Sergeant Murphy, Dr. Bowring, the Lord Mayor, Colonel Fox, Lord H. Vane, Sir G. Staunton, Lord J. Russell, Lord Howick, Lord A. Lennox, Sir J. Easthope, Colonel Wood, and Messrs. Busfeild, Bernal, Thorneley, Greene, R. Yorke, Roebuck, T. Duncombe, Smith, S. Crawford, Ewart, Tancred, Ord, G. Knight, Cayley, Phillpotts, V. Smith, W. Ellis, E. Buller, G. Cavendish, C. Howard, C. Villiers, and B. Wood, from an immense number of places, against the Educational Clauses of the Factory Bill.—By Mr. T. Egerton, from Chester, against the Union of the Sees of St. Asaph and Bangor.—By Mr. Macaulay, from Edinburgh, for Medical Reform.—By Mr. Broadwood, from Bridgewater, against the Bankruptcy Act.—By Sir G. Staunton, and Messrs. C. Villiers, Hastie, Ewart, and Stansfield, from a number of places, for the Total and Immediate Repeal of the Corn-laws.—By Colonel Wood, from Hay, Crickhowell, and Huggate, against the Ecclesiastical Courts Bill.—By Lord John Russell, from Saltash, in favour of the Municipal Corporations Bill.—By Mr. Smith, from Norwich, and Cossey, for the Repeal of the Income-tax.—By T. Duncombe, from Kingston-upon-Hull, and Sutton Ashfield, for Inquiry into the Trial of William Jones for Sedition.—From Fleet-street, and its neighbourhood, in favour of the Health of Towns Bill.—From the Kinsale Union, for Amending the Irish Poor-law.—From Cork, against the Municipal Corporations (Ireland) Act.

AFFAIRS OF SERVIA.] Mr. *D'Israeli* wished to put certain questions to her Majesty's Government with respect to the affairs of Servia. The House would recollect, that by the treaty of 1840, the principal powers of Europe, among whom, of course, were, England and Russia, had entered into stipulations to maintain the integrity and independence of the Ottoman empire. He, had, however, been informed, upon very competent authority, that the Cabinet of St. Petersburg had insisted on interfering in the internal affairs of one of the provinces of the Turkish empire, which was contrary to the wishes and in direct opposition to the policy of the Sultan and of the other powers. The questions he wished to put to her Majesty's Government were, whether they considered that such conduct on the part of the cabinet of St. Petersburg was in unison with the stipulations of the treaty of July, 1840; and whether, in case the cabinet of St. Petersburg should persist in that conduct, it was the intention of her Majesty's Government to uphold the integrity and independence of the Ottoman empire and the sovereignty of the Sultan?

Sir *R. Peel* said, that it was difficult to answer the questions of the hon. Gentleman without entering into a very long explanation. He would state to the House what was the subject of controversy between Russia and the Porte, according to the latest information which the Government had received upon the subject. The discussion between the two powers was still going on; and he need scarcely state to the House, that although this country had no direct or immediate connection with Servia, it was the desire of her Majesty's Government to use any influence which they could legitimately employ for the purpose of preventing collisions, and to give such advice as might be in unison with the interests and dignity of the Porte. The question at issue between Russia and the Porte was this:—There were three treaties at least between the Porte and Russia, with respect to the administration of affairs in the East, of which the most important was the treaty of Adrianople. In consequence of that treaty the Porte issued, in the year 1829, a hatti scheriff, from which the following was an extract:—

"We, therefore, in fulfilment of the said eighth article of the treaty of Bucharest, as well as in pursuance of the stipulations contained in the treaty of Adrianople, and of the contents of the before-mentioned separate treaty, have given our imperial permission to the Servian deputies to represent to us the claims and wishes of their nation; and we have likewise given the Servians leave freely to exercise in their own country their own mode of worship, and that they may elect their own chiefs from among themselves."

It was in consequence of that stipulation that the present discussion had arisen. In the month of October, 1842, the then ruler of Servia had been forcibly deposed by an insurrection, and the present governor of Servia was appointed in his place. It had been urged by Russia that the late ruler had been deposed by military violence, and that the election of his successor had not been conducted in unison with the treaty of Adrianople. That was the subject of the controversy which was now pending between Russia and the Porte; and communications had been had with both powers by the English Cabinet, which he need hardly say, was anxious that the question should be fairly and amicably settled.

WAYS AND MEANS — EXCHEQUER BILLS.] The report of the committee of Ways and Means authorising the issue of 9,000,000*l*. of Exchequer-bills, to make good part of the supplies of the year, was brought up.

On the question that the resolution be read a second time,

Mr. *Williams* complained of the high interest which was paid on Exchequer-bills, and he begged to call the attention of the right hon. Gentleman opposite to the subject. The Government was at this moment paying 1¾*d*. per day interest on Exchequer-bills, which was equal to 2¾. per cent. per annum. At the same time money was not worth more than 1½ or 2 per cent., and good bills to any amount could be discounted at 1½ per cent. Common tradesmen's bills were discounted at 2 per cent. At this time Exchequer-bills were at a premium of 69*s.* or 70*s.*, which was equal to 3½ per cent., or a higher sum than the interest of the bills. He thought that was conclusive evidence that the interest was much too high. It was a remarkable circumstance that the right hon. Gentleman the Chancellor of the Exchequer was paying a much higher interest now than was paid during the seven years, from 1831 to 1837 inclusive. During that time, 172,000,000*l.* of Exchequer-bills were issued at 1½*d.* per day, which, together with the deficiency bills, amounting to 148,000,000*l.*, making up a sum of 320,000,000*l.*, were all kept in circulation at an interest of 1½*d.* per day. One half per cent. was paid less then than now, although money was much higher in value at that time than at present. Lord Althorp issued the bills at 1½*d.* per day, and his successor, Lord Monteagle, continued the same rate of interest. It was only in July, 1837, when, from particular circumstances, the value of money rose very considerably, and more than 5 per cent. was paid for interest, that the interest of Exchequer-bills was raised. At that time the bullion in the Bank did not exceed 4,000,000*l.*, while at present it was upwards of 12,000,000*l.* He counselled the Chancellor of the Exchequer, therefore, to issue his Exchequer-bills at a lower rate of interest, and he would find it was much easier to raise the rate, if that were necessary, than to lower it. It would be better still were the Chancellor of the Exchequer to fund all the Exchequer-bills at the present price of consols, and he would save a large sum for interest. The right hon. Gentleman had already saved a sum of 262,000*l.* in that way; and if he funded all the Exchequer-bills he would save a larger sum. The country might save, too, all the expense of the department for issuing the bills, which amounted to 18,000*l.* a year, besides sundry other expences. Either the right hon. Gentleman should fund the whole of the Exchequer-bills, or he should reduce the interest to 1½*d.*; and he might reduce the interest to 1¼*d.* To continue the present system was throwing away the public money unnecessarily. Perhaps the right hon. Gentleman was afraid of the money dealers; but there was no occasion for apprehension; they would gladly come into his terms. He hoped, therefore, that the right hon. Gentleman would reconsider this question, and issue a fresh notice. He would guarantee the right hon. Gentleman that he might issue any amount of bills he pleased at 1½*d.* per day, and get the money for them.

The *Chancellor of the Exchequer* observed that he had heard the same observations from the hon. Gentleman before, and the same recommendations. At this period, however, when the arrangements for the year were so far advanced, it was impossible those recommendations could be acted on. The hon. Gentleman had hardly done justice to him when he said that Lord Althorp had reduced the interest of Exchequer-bills, for he (the Chancellor of the Exchequer) had reduced it to the rate Lord Althorp found it at when he came into office. Before the interest could be reduced there was such a variety of circumstances to be taken into consideration, that it was not possible to say beforehand that the interest should be reduced. At the present time, he would repeat, it was impossible to take the hon. Gentleman's recommendations into consideration without disturbing all the financial arrangements for the year.

Resolution agreed to, and a bill accordingly was ordered to be brought in.

On the question that the Order of the Day for the House to go into a committee of supply be read,

PORTUGAL, BRAZILS, CANADA, AND JAMAICA.] Lord *John Russell* said, he would take that opportunity of putting some questions to the right hon. Baronet respecting the commercial treaties which this country was now negotiating, and about which it might be expected that the Government would give the House some information. He had taken an opportunity before the House adjourned for the Easter holidays to put similar questions to the right hon. Gentleman; and he wished to know whether those negotiations had terminated favourably or unfavourably. It was not his wish to ask respecting negotiations still in progress, and whether they were likely to proceed favourably or not; but respecting two of the negotiations in progress, he had seen it announced in the public papers that they had terminated, and concerning them he thought the

House should receive some information. With respect to the negotiations with Portugal, it had been stated in an official paper, the *Gazette* of Lisbon, that the terms proposed by the English Government had been finally rejected. He had seen it also stated in the public papers, that with respect to the Brazils the negotiations had entirely failed, and that the Gentleman who had been sent to that country was about to return home. If it was true that those negotiations had failed, and were at an end, he thought he might fairly ask that some communications should be made to the House. It was of great importance to all persons engaged in those trades which would be affected by those negotiations, to know whether there were an end to the negotiations or not, and on what footing the trade with those countries would be placed. He did not much wish to enter at present into the question of the policy to be adopted if they had failed. They would, probably, at an early period, have an opportunity of discussing that subject. All he wished to ask at present was, whether the statement they had seen in the public papers were correct? He also wished to put two questions to the noble Lord the Secretary for the Colonies. One was with respect to the bill which the noble Lord said he would introduce on the subject of Canada corn. He had asked the noble Lord at a previous period of the Session, whether he had received any deputations from the Governor-general of Canada with respect to the bill; and he now wished to learn from the noble Lord whether he intended to proceed with it? The noble Lord had informed the House that immediately after Easter he proposed to bring in a bill on the subject, but he did not see any such notice on the paper; he wished, therefore, to know what course the noble Lord intended to pursue with respect to that subject. There was another question which he wished to put to the noble Lord, with respect to the act that had been passed in Jamaica, levying certain duties on the produce of England and Ireland. It was stated on a former occasion by an hon. Gentleman that the duties levied on the produce of Ireland, in the island of Jamaica, amounted to 40 per cent. Last year they had passed a bill which had been first introduced by his right hon. Friend the Member for Taunton, and taken up by the Vice-President of the Board of Trade, who, with the support of the Government, had carried forward the bill, by which all the differential duties in the colonies were reduced to 7 and 4 per cent. It was quite contrary to the spirit of that act that a bill should be passed in Jamaica to levy such heavy duties on the produce of this country when imported into that island. He supposed, however, that the Government was sensible of the importance of the subject, and had decided to interfere with the royal authority and refuse to sanction the measures of the Jamaica legislature. He had stated the points on which he wished to have information, and he begged to ask for answers to his questions. He hoped the noble Lord would state, with respect to the act of the Jamaica legislature, that he would be ready to lay the papers connected with it before the House. There were other papers, too, connected with the island of Jamaica which were generally laid on the table of the House before this period of the Session; and he hoped the noble Lord would take the opportunity of laying all those papers together before the House.

Sir *Robert Peel* said, that before the holidays, an hon. Gentleman had put questions to him concerning our negotiations with Brazils and Portugal, and on that hon. Gentleman giving him notice that he intended to ask those questions of him again, he had requested that hon. Gentleman to postpone his questions till the morrow. To-morrow, then, he should be prepared to answer both as to Portugal and Brazils, and he begged to postpone the answer to the noble Lord to the same period.

Lord *Stanley* said, with regard to the Canada Corn Bill, the information that had been received from the Governor-General of Canada was ready to be laid on the Table, though it had been only recently received. Probably within a few days he should be enabled to give notice of the precise day on which he should move for leave to bring in a bill on the subject. Certainly the Government would take an early day for bringing on the discussion on this subject. As to the second question of the noble Lord, he must remark that the act complained of was only passed for nine months. He had only that morning received private information from the Board of Trade, to which, as the noble Lord knew, all such questions were referred, that the Board had taken the subject into consideration. Although he entirely concurred with the noble Lord in his objection to these high duties, in some cases amounting to nearly 40 per cent., yet he thought the noble Lord was rather hasty in concluding that it was a matter of course that the Government should advise her Majesty to withhold her sanction to the bill, which was passed in the first instance for nine months, and so compel the legislature of Jamaica to assemble at a most inconvenient season. He was quite prepared to say that the amount of these duties was highly objectionable in principle, and the Governor of Jamaica had been instructed to refuse his assent to any future bill for imposing similar duties.

Viscount *Howick* wished to know on what grounds the governor had sanctioned the present bill.

Lord *Stanley* said, he had not recently received any communication from the governor; he was therefore unable to answer the question. Neither had he received the official report from the Board of Trade, and when he had received that report, he should immediately, and he hoped by the next packet, communicate with the Governor-general.

Subject at an end.

Order of the Day read.

On the question that the Speaker do leave the Chair,

COLONIAL CLERGY — WEST-INDIAN MAGISTRATES.] Mr. *Williams* said, there were three of the votes to be submitted to the House to-night, which, he thought, in fairness to the public, ought to be withdrawn. The first was vote No. 13, of 12,190*l.* to be paid for the clergy of British North America and New Zealand. He objected particularly to paying the clergy of North America, fo whose use the vote was principally designed, as all of it except 600*l.* which went to the clergy of New Zealand, went to them. When he looked at the condition of the people of this country, taxed to pay the money, and looked to the condition of the people of our North American colonies, who were the most lightly taxed on the earth, he thought it was too bad that the highly taxed people of this country should pay for their clergy. There was in the list 1,000*l.* for a Bishop of Montreal, 500*l.* for an archdeacon, and 400*l.* for a rector, and for the Roman Catholic bishop of Quebec there was 1,000*l.*; and he said that it was unjust to the people of this country, particularly to the Dissenters, to call on them to pay for the clergy, both Protestant and Catholic, of the North American colonies. Considering the condition of the people here and there, this ought not to be suffered by any House of Commons. But, objectionable as this item was, there were two other items still more objectionable, to which he begged to call the attention of her Majesty's Government. One of these was the sum of 49,700*l.*, which was paid for the salaries of justices of the peace in the West Indies and the Mauritius; the other was the sum of 18,000*l.* for the education of the negroes and to furnish their schools. When he looked at the condition of the people in the colonies he thought that they ought to pay for their own magistrates and schools, and he was sure that they were better able than the people of this country were to pay for them. The report of the committee of last session, proved that the condition of the negroes was most flourishing, that they were buying land, and were able to live without much labour. He wished that the people of England were as well off, and he appealed to the House to act justly, and as Christian men, not to tax the suffering people of this country to pay for these magistrates and schools, but to make the colonists pay for their own magistrates, and the negroes for their own education. The cost of the civil and military establishments in the West India islands was 605,000*l.*, and considering the extra amount of the sugar duties, they did not cost less to this country than 5,070,000*l.* Under such circumstances, he hoped that the Secretary of the Treasury would look to these items, and not press them upon the House that night; but reconsider them, and, as he trusted, ultimately withdraw them. It was not so much their amount that he objected to, as to the principle that the poor people of this country should be obliged to pay for the magistrates, clergy, and school-houses of persons who were better able to pay such charges than themselves.

Mr. *Bernal* was not prepared on that occasion for the colonial disquisition in which his hon. Friend had indulged. His hon. Friend came there with figures prepared to his hand; and he, who was without figures, could not at the moment be prepared to contradict him; but when his hon. Friend asserted that the West India colonies were a perennial expense to this country, he wished to ask if he included Jamaica in that statement—if he meant to assert that the island of Jamaica was a perennial expense to this country? He believed some portion of the salary of the governor of that island was paid by this country; but, then, another portion of the salary was certainly paid by the House of Assembly. As to the colonial proprietors, to whom his hon. Friend had referred, he might ask if any one colonial proprietor had derived any income from his property in the West India islands for the last four years? He, as a colonial proprietor in Jamaica, could tell his hon. Friend that the amount of taxes he had been called on to pay in that island had, for these four years, been five times as great as the sum which he had derived from all the contributions of England. The internal taxation to which he was subject there was five times the amount of what he derived from this country; and, after that statement, he left it to his hon. Friend, by means of algebraic equations to find out how persons so situated were fattening upon the taxes of the people of England. Whenever his hon. Friend was willing to enter upon the discussion he would be found ready to prove that the prosperity of this country was based upon its colonial system.

Lord *Stanley* said, he could not be surprised at the remarks of the hon. and learned Gentleman who had just sat down, at the same time he felt satisfied the House would excuse him if he did not find it necessary to follow the hon. Member for Coventry into the general discussion as to the profit or loss caused by the colonies to this country. His silence, on that topic would not, however, he hoped, be understood as a concurrence in the doctrines broached by the hon. Member for Coventry. The hon. Member had taken an unusual course in discussing at once three items of the estimates before the House went into committee upon them. He hoped, however, that the hon. Member's present proceeding would save as many speeches upon each item. It was in that hope that he was induced to follow the hon. Member upon the three points to which he had called the attention of the House. Those three points were the expenses for the North American clergy, for the stipendiary magistrates in the West Indies, and the vote for negro education. Now, it might be a satisfaction to the hon. Member to know that in point of principle he was inclined to concur with him; but the hon. Member had selected three votes which, by an arrangement entered into some years ago, were in the course of gradual diminution and ultimate extinction. With regard to the clergy of North America, he hardly thought the hon. Member could be aware that this vote arose out of the grants Parliament had been accustomed to make to the Society for the Propagation of the Gospel; and in 1832 or 1833 it had been arranged that the then existing clergy, should receive the same allowance, but, as each fell off by death or resignation, no new appointments should take place; and from that time the vote had been in the course of gradual diminution. He felt confident that the appointments thus sanctioned by Parliament would not be disturbed as far as the present recipients of the stipends were concerned, and he also might express a confident belief that this country could not be called upon to pay for any new appointments of the same class. With respect to the stipendiary magistrates in the West Indies, the case was of a very similar nature. When the Emancipation Act was passed in 1833 two objects were recognized by Parliament as of paramount importance and as essential to the complete and permanent success of that measure. The first object was to enforce the due execution of the law through the medium of a body less biassed than the planters in their feelings towards the negro apprentices, and certainly if there had been one feeling in which with reference to that act, Parliament had been more especially unanimous, it was in sanctioning the arrangement by which the magisterial authority was vested in a body of justices specially appointed, rather than in a local magistracy, participating in the general bias regarding the negro character. But with respect to this grant, as with respect to the other, the vote was in the course of continuous annual reduction. In some colonies public feeling had so materially altered since the entire emancipation of the slaves that her Majesty's Government had felt that a reduction in the special magistracy might be made without any difficulty, and they trusted that in these colonies, at least, the services of that body might be at no distant period entirely dispensed with. In some other islands, however, and especially in some of the smaller colonies, public feeling continued to be greatly excited, and it was the opinion of the authorities that much injury might be done, nay, that gross injustice might be committed, if the administration of the law was left entirely in the hands of a jurisdiction wholly connected with the locality. He could not therefore, hold out to the hon. Member any expectation that in these smaller islands there would be any reduction in the number of special magistrates; but, nevertheless, the grant would continue to be annually reduced, for the course her Majesty's Government were pursuing was not to send out new magistrates from England, but to remove the magistrates from the larger to the smaller islands when a vacancy occurred in the latter and magistrates could be dispensed with in the former—a practice which had indeed been acted on to such an extent, that since 1838 the grant they were then called on to sanction had been reduced in amount, not less, he believed, than one third—from the sum of 69,000*l*. to 49,000*l*. The second object which Parliament felt to be of paramount importance to the well working of the Emancipation Act was the establishment in the West India colonies of a system of education for the negroes; or rather, when he made use of the word "system," he should say that their object was to avail themselves of the services of Christian teachers of all persuasions without distinction as to creed or nation. The labours of these teachers had, he was delighted to declare, been most efficient, and he did believe that the encouragement of Parliament, as evidenced by the annual vote of this item, had given to the negroes an increased and increasing sense of the necessity as well as of the value of educational instruction. The noble Lord opposite before leaving office had made arrangements gradually to diminish this grant, and, in accordance with that arrangement, a diminution of from 30,000*l*. to 18,000*l*. had been effected, the present item therefore, as it was to be still further reduced at the rate of 6,000*l*. per annum, would not in three years more appear upon the estimate. He had now, he believed, gone through the votes to which the hon. Member had taken objection—he had explained the grounds on which they were required—he had shown that the Government fully concurred in the principle he laid down, that where a colony could bear a charge for the purposes of local government, such charge should not rest on the mother country—he had shown, too, why he thought these items should be considered exceptions from that general principle, and he had only to add, that, indeed, which he had before intimated, that these items would all be reduced as rapidly as was consistent with good faith to those individuals who at present held official situations.

Sir *H. Douglas* said, that he should not permit himself to be led into any discussion on colonial affairs by what had fallen from the hon. Member for Coventry; but this he must say, in passing, in reply to the desire expressed by the hon. Member to get rid of the colonies altogether, that the total value of British goods and manufactures taken from this country by the colonies in 1841 was upwards of 15,000,000*l*. sterling—a proof of the vast value of our colonies in this respect, which no one in or out of that House ought to underrate at any time, but more particularly in the present state of distress, in this country, arising from deficient consumption of British productions. As the subject of the ecclesiastical establishment for the colonies was now before the committee, he wished also to call the attention of her Majesty's Government to the very powerful appeal recently made on behalf of the Society for the Propagation of the Gospel in Foreign Parts, showing more especially the necessity of increased means for the extension of religious and moral instruction, and the inability of the society to provide for these high objects, or even to keep faith with their missionaries already engaged in this high and holy calling. As the passage to which he adverted was short, he would read it:—

"The tide of Emigration (it said) continues to flow to British America and Australia; tens of thousands of poor labourers are to be found in the forests of Canada without churches, or clergymen, or schools; while the Australian settlements, originally designed for a small number of convicts, have grown up rapidly into populous colonies, nearly destitute of the means of religious and moral improvement. In the East Indies great Britain has established her dominion over a hundred millions of Hindoos or Mahomedans. The West Indian colonies are making great efforts for the education of their coloured population; while on the western coast of Africa, and at the Cape of Good

Hope, are settlements which promise to open a way into the immense region inhabited by the Negro and the Caffre. At the present time, moreover, the peace recently concluded with China, affords the opportunity of not merely extending the commercial intercourse of the English nation, but also of planting a branch of Christ's Church, in that large and densely-peopled empire."

The noble Lord, the Secretary of State for the Colonies, had stated, correctly he feared, the gradual withdrawing, and, in 1833, the cessation, of the parliamentary grant to the Society for the Propagation of the Gospel, to which he had already adverted. He most earnestly entreated her Majesty's Government to consider the inadequacy of the funds of that Society, to provide spiritual aid and religious instruction to settlers now in the colonies, in connection with the Church of England; far less to provide for these most essential objects, relatively with any more extensive system of colonization; and he would particularly advert to the impracticability, for want of funds, to carry into effect a measure of the very highest importance, long urgently required, approved, recommended, and designed—he meant, the founding a bishopric in the province of New Brunswick. The noble Lord, the Member for London, when Secretary of State for the Colonies, announced his intention, on the 31st of December, 1840, to advise her Majesty to found a bishopric in that province; and the grounds upon which that noble Lord formed that intention, and which he so well expressed, were,—

"That the constitution of the Church of England has no authority within it, excepting that of a Bishop, competent to ordination, to enforce rules of discipline, or even to connect thoroughly into one body the various ministers of local districts.

"That the Roman Catholic Church is fully organised in this respect, and so is the Church of Scotland; and it does not seem appropriate that members of the Church of England, in considerable numbers, should either be under the superintendence of a Bishop residing at a great distance, or be left entirely to voluntary contribution in this essential matter.

"For these reasons, his Lordship proposed to advise the Queen to erect a bishopric in New Brunswick, and stated his opinion that the Imperial Parliament should make provision for this foundation to the extent of 600*l.* per annum, which charge should appear in the estimates."

The noble Lord's expectation was, he believed, that means would be contributed towards this endowment in New Brunswick, either by voluntary subscription or from local funds. Soon after he returned from the Ionian Islands, he was requested to become a member of the New Brunswick Bishopric Society, for the purpose of seeking contributions, in furtherance of this great object. The Society for the Propagation of the Gospel, notwithstanding their diminished means, by the withdrawing of the parliamentary grant, and the numerous claims made upon those diminished means, had appropriated, out of their small and lessening capital, the sum of 20,000*l.*, 3 per cent. Cons., in trust, for this endowment; but, notwithstanding the most zealous and urgent endeavours of the New Brunswick Committee, a sum not exceeding about 2,300*l.* had been promised by subscription. But he regretted to say, that nearly the whole of that sum was subscribed with a condition attached, that he thought most objectionable, and subject to which it ought not, he thought, to be accepted. That condition did not indeed interfere with the authority by which the Bishop of New Brunswick may be appointed, so far as to dictate who the person ought to be; but it does stipulate who that person is not to be, by an exclusive condition, of which he should say no more, at present, than to remark, that such conditions, or expectations, as these are not unfrequently attempted, when provision for such high and holy offices are to be made by voluntary contribution; and there are no funds, whatever, at the disposal of the Crown, in the Province of New Brunswick, applicable to this, or any other purpose. He earnestly hoped, and fervently prayed, her Majesty's Government to take into their consideration this very important and most interesting measure, with a view to advise her Majesty, at their pleasure and convenience, to carry it into effect. No one can read the sad history of the times, relating to the first troubles in British North America—no one can peruse *Hutchison's History of Massachussets Bay*, and the biographies of other men that figured, on both sides, in those days—no person can have communicated, largely, as he had done, with the old loyalists, who bled and suffered in that struggle, without being struck with one great and signal error which was committed in those and earlier days, and which possibly had a more fatal effect than even the errors which were committed in legislation and taxation, —that great error consisted in not having properly provided for, supported, and upheld by endowment, the National Church of England, in those colonial possessions which became the resort of sects and sets of persons, who first overthrew the Monarchy here, and then overturned it there. He did trust in God that we were not to repeat that sad error for so sordid and trifling a consideration, as that which now prevents the long contemplated, and most desirable measure, of founding a bishopric in the province of New Brunswick, from being carried into immediate effect.

EMIGRATION TO PRINCE EDWARD'S ISLAND.] The *Lord Mayor* observed, that he should perhaps not be out of order if he took that opportunity of asking the noble Lord opposite what were the duties of the Land and Emigration Board, for which he saw, by these estimates, that a sum of 7,500*l.* was to be appropriated? The noble Lord might, perhaps, have heard of a case which had come under his notice in his judicial capacity—he meant the case of certain emigrants who had been deceived by an association now defunct, calling itself the British American Emigration and Colonization Association. In that case he thought that the board would have done well to have acted more energetically than they appeared to have acted; and as it did not seem clear what were the powers of the board, he hoped that the noble Lord would explain for what purpose it was constituted, and for the performance of what services by it the nation was paying this not inconsiderable annual item?

Lord *Stanley* was very glad that the attention of the House had been called to this matter. It was one which had caused him much uneasiness, and he did not hesitate to pronounce the case one of the most flagrant nature, and of the grossest hardship and oppression that had ever come under his notice. For that hardship and oppression, however, no blame whatever was attributable to the Emigration Board; on the contrary, the commissioners of that board had carried their interference in this case to the utmost limit—nay, he believed, even beyond the strict limit—of their duty. As he had thought it possible that he might be called on, if not by the right hon. Gentleman, from some other quarter of the House, to enter into some explanation respecting this matter, he had that evening refreshed his memory as to the principal facts, which he would take leave at once to state to the House. In the course of September or October last he received a letter from an individual, stating that a ship called the Barbadoes was receiving emigrants in the port of London under circumstances which required the attention of the Government. He felt it his duty to lose no time in putting himself in communication with the Emigration Board, and, although the individual who had given the original information refused to come forward for examination by that board on the ground that from the information he had to give he might subject himself to penal consequences, yet the commissioners were not long in satisfying themselves that a false and deluding system was in operation, and they consequently instructed their agent, in the port of London, Lieutenant Lean, to make inquiries, and to give all the assistance in his power to the emigrants in case they should require it. The commissioners also instituted, as a matter more of course, those enquiries which they were especially authorized to make under the terms of their appointment. They ascertained, however, that the ship was well-found—that she was perfectly seaworthy—that the necessary provisions were on board—that they were of good quality—and, in fact, that the provisions of the "Passengers' Act" had been strictly complied with. These inquiries were, as he had stated, within the limits of their duty; but, as he had also said, the commissioners had gone beyond that limit. They made it a point to ascertain the terms upon which the emigrants were shipped, and they found, on inquiry, that they were going out of their own free will, and that it was represented by the company that provision was made for their comfort on their arrival at their destination. It was stated, in answer to the commissioners' application, that the emigrants were going out under indentures to serve a person of the name of Halden, and that they were sent out by the British North American Emigration Association, a company representing itself to possess no less than 72,000 acres of land in Prince Edward's Island, upon which these emigrants were, it was said, to labour. With regard to this last representation about the land, it was unfortunate that the Government had no means whatever of verifying the statement; the land, as was affirmed, having been purchased, not from the Government, but from other proprietors in the settlement. Not satisfied, however, with the answers to these inquiries, it was thought necessary by the board and the Government not to trust to the assertion of the association, but to take measures to secure the due performance of the company's contract with the emigrants abroad as well as at home. With this view, instructions were sent to the Governor of Prince Edward's Island—he was furnished with copies of all the correspondence which had passed, and he was authorized and empowered to aid and assist in the enforcement of all legal claims which the emigrants might have against the company. Before this was done, however, a representation was made to the company of the danger incurred by any attempt to colonize in such a latitude at such a period of the year. In reply to this objection the company stated, that they had bound themselves to put into Halifax in the event of any unforseen accident; and that every care would be taken of the emigrants. Not content with this, the commissioners went still further, and warned the emigrants themselves of all the risks they might incur. The emigrants, however, expressed themselves satisfied, and of course the commissioners had no further power. The ship accordingly cleared out from the Custom-house, but Members would not fail to observe that before she did so warnings were given first to the company as to the time of sailing, and secondly to the emigrants as to the risks they were incurring. It was, he believed, somewhere in November that this took place. On the 23d of December the ship was driven by stress of weather into Cork harbour. The moment her arrival was notified to the authorities in the metropolis instructions were sent to the Government emigration agent in Cork to take every precaution for the due performance of the contract and the proper care of the emigrants. In reply to the agent's representations he received an assurance that the emigrants should be properly maintained; and it was further stated that the company had agreed to provision the ship until the month of March. In February, however, it was ascertained that the company was in a state of pecuniary difficulty indeed, in a condition of absolute insolvency; and it had since been understood that at that very period when the company were expressing an intention to victual the ship until March, the mortgagee of the ship had put in his claim, and had absolutely seized the vessel with the intention of bringing her back to the port of London to satisfy his demand. Such being the case, he had no hesitation in saying, that at that time the company were absolutely committing a fraud upon the emigrants. Upon these facts coming to their knowledge, the commissioners instructed their Cork agent to put in force the Provisions of the Passengers' Act, and to proceed against the company for landing the emigrants before the completion of their passage. No parties on the spot, however, were inclined to proceed, and, in consequence, this step proved ineffective. Other measures were taken to secure redress, and on the 31st of March the Treasury solicitor was instructed to proceed against the company. He regretted to say, however, that as there were no solvent parties against whom proceedings could be taken, so no legal redress was to be expected; but whilst he said this, he could not forbear giving expression to his earnest and confident hope, that as this company was established apparently under the sanction of high and honourable names — even though there might be no legal obligation—even though those parties had themselves been deceived—even though they were not aware that this pretended company was but a bubble from its commencement—yet that those high personages would nevertheless feel themselves morally, if not legally, bound to do something towards remedying the great and grievous hardship to which the sanction of their high names and characters had doubtless exposed many unsuspecting people; that they would feel it an obligation and a duty to make such compensation as was in their power for the distress they had occasioned. Having said thus much, he had further to express a hope that he had satisfied the right hon. Gentleman and the House, that the Government and the board had done all in their power to prevent the possibility of those disastrous occurrences.

Mr. *Vernon Smith* remarked that there was one species of information, which he conceived the emigration board might well give to the country. They might make it generally known what were the colonies most favourable for emigrants and most under the immediate protection of the Government. Gentlemen in that House must be aware of the extreme ignorance to be found amongst persons in the country as to the places where they were going. They were misled by papers coming to them from particular companies, holding out exaggerated schemes of happiness, and yet in the midst of this there was no authentic information from the government. He did not mean that the government should be brought to enter into competition with private companies in pointing out the places to which persons should emigrate. He did not go so far as to wish that Government should make distinct recommendations as to eligible colonies, for he knew the mutual jealousies of emigration companies and colonies; but he thought that circulation should be given to the truth. There were, from time to time, large blue books laid upon the Table of the House, which, however, seldom or never reached remote parts of the country, and even if they did would not be read. Extracts, however, might be made explaining to the country at large the real state of facts respecting the different colonies; what were their prospects, their peculiarities, and whether or not they were eligible places for intending emigrants. There had been some such information published under the late government in the official circulars of the poor-law commissioners; but it was desirable that such accounts should be still more widely circulated. They might be published in county papers, or some means adopted by which they might obtain access to small inns and alehouses in the country, where the people went to read, that they might have an opportunity of knowing in what cases government sanctioned emigration, and where it did not. He thought that it was their duty to try every way of making the truth as public as possible—of giving information with respect to the state of wages and climate—and as to what were the prospects of emigrants, in a shape sanctioned and authenticated by the responsible administration of the country.

The *Chancellor of the Exchequer* said, that although the emigration commissioners had published information of the kind alluded to, and had circulated it in those districts where it was most likely to prove useful, yet he did think that that circulation had not been sufficiently general. He thought, at the same time, that there was no more efficient way of announcing to the public that the emigration commissioners would, at their office in London, afford information on all subjects connected with the different colonies, to persons wishing to emigrate, than by publicly mentioning the fact in his place in the House.

The *Lord Mayor* was glad to have heard the noble Lord, the Secretary for the Colonies, state that instructions had been sent out to the Governor of Prince Edward's Island, enjoining him to assist and provide for the unfortunate emigrants in case of their arrival there.

Lord *Stanley* hoped that the right hon. Gentleman would not run away with any such notion. The Governor of Prince Edward's Island had been merely instructed to give the emigrants every assistance in enforcing on the company and the owners of the vessel the terms of the original agreement.

House in committee of supply.

SUPPLY—MISCELLANEOUS.] On the question that 61,093*l.* be granted to defray the charge of the colony of New Zealand,

Mr. *W. Williams* said, that really this was a most extraordinary item. Why, there were not, he was told, 14,000 people in the colony. Never were officers so highly paid; their scale of remuneration was far above that of corporate officers at home. The chief-justice had 1,000*l.* a-year. Why, they would get any briefless barrister to take the place for half the money. He thought the Government ought to lay before the House the details of the estimate.

Lord *Stanley:* If the hon. Member had taken the trouble to refer to the bottom of the page, he would have found the explanation which he has asked of the Government. The explanation of the estimate had been before the House since the 23rd of March.

Mr. *Chapman* thought, that the colony of New Zealand was in a flourishing state, and deserved every encouragement from the Government. The public money could not be better laid out than in extending the interest of that colony.

Mr. *B. Wood* hoped that the noble Lord would postpone this vote until hon. Members had time to read the document to which reference had been made.

Lord *J. Russell* thought, the objections to the vote were not well founded.

He could not see what other course the Government could have adopted than to ask for the vote. The hon. Member said, that he had not had time to read the paper. That was no valid reason for either postponing or objecting to the vote. It was his intention to support the vote. He quite concurred in what had fallen from the hon. Member on the other side of the House, with relation to the flourishing state of the colony of New Zealand. In 1748, the same sum was asked for the colony of Halifax. If the objections which were then urged to that vote—and they were of a similar character to those now urged by the hon. Member for Coventry—had been attended to, this country would have lost one of the most valuable of its possessions. He expected to derive from the colony of New Zealand advantages similar to those which had resulted from the establishment of Halifax.

Mr. *B. Wood* said, that he had not had time to peruse the papers which referred to the vote under the consideration of the House. He had been out of town, and had not seen the document. This was no common vote; it required looking into. He did not think that such a vote should be pressed until proper explanation was given by the noble Lord.

Vote agreed to.

18,667*l.* was proposed for the salaries of the governors, lieutenant-governors, and others, in the West India colonies.

Sir *C. Napier* thought, that this vote required some explanation. He saw that there were two lieutenant-governors of Dominica — one receiving a salary of 1,300*l.* per annum, and the other lieutenant-governor was paid 366*l.* a-year. The salary for the lieutenant-governor of Grenada was charged twice. In one part of the estimate the sum stated was 1,300*l.*, and in another part the salary of the lieutenant-governor was said to be 273*l.*

The *Chancellor of the Exchequer* said, that a new arrangement had been entered into with reference to the payment of the lieutenant-governors of these colonies. Certain lieutenant-governors had been appointed, who would have prescribed duties to perform. The office would be no longer a sinecure. The double payment of salaries was more apparent than real. The offices of lieutenant-governor of Grenada and Dominica, to which the hon. and gallant Member had particularly referred, who were in the receipt of small salaries, were to be abolished when vacancies occurred.

Vote agreed to.

18,895*l.* was proposed for the expenditure of the Indian department in Canada.

Mr. *Williams* objected to this vote. He said, that many of these Indians were far better off than many of the inhabitants of this country, and of Ireland particularly. He saw, that a sum exceeding 14,000*l.* was for presents to the Indians. The government of the United States looked upon this matter with feelings of great jealousy. They (the Americans) considered, that this was paid as a bribe to the Indians, in order to induce them to be in readiness, in the event of a war, to assist this country. He objected to any portion of this sum being paid to Indians inhabiting the United States of America.

Lord *Stanley* agreed with the hon. Member, that this sum ought to be limited to those Indians residing within our own territory. Two or three years ago an arrangement was made with the tribes; an offer was made to the Indians to the effect that those who preferred remaining within the territory of the United States, should not receive any portion of these presents. It was to be confined to those who resided within the British possessions.

Vote agreed to.

On the question that 104,770*l.* be granted for the expenses of the consular establishments abroad.

Mr. *Williams* wished to know what advantages were derived from our having a consular establishment at Paris? He saw that they had a consul-general at Constantinople, receiving a salary of 1,600*l.*, and a vice-consul at the same place with a salary of 400*l.* per annum. There was also a consul stationed at the Dardanelles, in the receipt of a salary of 300*l.* a-year. He could not see the use of a consul at the latter place, for there was no shipping, no town, no trade, no commerce; there was, in fact, nothing.

Sir *G. Clerk* said, that the hon. Member appeared to confound the duties of the ambassador with those of the consul, when, in fact, the functions of the two offices were quite distinct in their character.

Dr. *Bowring* said he thought it would be desirable that the House should be furnished with more accurate information on the subject of the consular establishments, and of the duties which that class of public officers were called upon to discharge. In the return laid before the House, their duties were by no means distinctly or satisfactorily laid down. In France, consular appointments led to high diplomatic offices; but the contrary was the practice in this country. On this subject he wished to put a question to the Government. Was it intended to make any arrangements for giving to persons intended for consular offices any special education? Those who had much intercourse with British consuls must know that they frequently betrayed an extraordinary inaptitude for the discharge of their functions. In some instances they were known to have attempted the exercise of despotic power; and one gentleman, Mr. Barker, one of our consuls in the Levant, was obliged to continue in exile in consequence of really not understanding his exact position. British subjects in the Levant were not under the protection of Turkish laws, and differences amongst themselves could only be settled by their own consul. He stood towards them, therefore, in the relation of a magistrate, and he possessed no code of laws for his guidance.

Lord *Stanley* agreed with the hon. Member who spoke last, that the subject was one of great public importance, and he could inform the House that it had for some time been under the consideration of her Majesty's Government. It was important to define the law under which consuls were to act, but it was at the same time a matter of considerable difficulty. A bill was prepared on the subject, but he could not undertake to say that it would be introduced during the present Session.

Lord *Ingestrie* observed, that vessels found great difficulty in getting in and out of the Dardanelles: it was, therefore, necessary that there should be consuls to regulate their entrances and exits.

Mr. *W. Williams* thought that the present Government ought not to endeavour to justify any proceedings of theirs respecting the appointment of consuls by saying that they followed the example of their predecessors in office.

Dr. *Bowring* urged the necessity which existed in all parts of the world that the consuls who represented Great Britain should speak the language of the country. A Queen's messenger underwent an examination as to languages before he was intrusted with despatches. It was well known that no attention whatever was paid to the qualification of consuls. The establishment was a mere *refugium peccatorum.*

The *Chancellor of the Exchequer* rose to remind the hon. Member that the First Lord of the Treasury had on a former occasion assured the House that consular offices would not be made use of as a matter of patronage—that they would not deserve to be called a *refugium peccatorum*—and that in future none but well qualified persons would be appointed. He agreed with the hon. Member that a knowledge of languages was a great advantage; *cæteris paribus*, the good linguist ought to be preferred; but it was not always practicable to find here persons qualified to examine a newly-appointed consul. There was a British consul at the Sandwich Islands; who could examine him?

Dr. *Bowring* wished to know what had been done with respect to consular appointments in China?

Lord *Stanley* replied, that no appointment had been made except that of Sir H. Pottinger, and that only for the purpose of giving him legal authority to act. None others had been made, and probably none would be made for some time.

Vote agreed to.

On the question that 4,840*l.* be granted for the usual allowance to Protestant Dissenting ministers, poor French Protestant refugees, &c.,

Mr. *Ewart* said in that grant he found a sum named to be given to the corporation of Berwick for the repair of their bridge; another sum for the support of a school in the Isle of Man. Now, why should such grants come under the head of a grant for Protestant Dissenting ministers? What connexion there was between a bridge and a minister he was at a loss to know.

Sir *G. Clerk* said, he had devoted as much time as he could spare towards simplifying these estimates; they had been very complicated, and, although he had made some improvements, he had not carried them so far as he hoped to do another year.

Vote agreed to.

On the question that the sum of 50,000*l.* be granted towards defraying the expenses of the steam communication to India by means of the Red Sea,

Dr. *Bowring* wished to know whether

any steps had been taken to increase our means of communication with our vast possessions in the East? France had no less than three arrivals and departures every month; Austria had two; while England, with her immense commerce and her 150,000,000 of subjects in that country, had only one arrival per month. He would also wish to know whether the intention of communicating with India by means of the Euphrates had been given up? He thought it impracticable.

The *Chancellor of the Exchequer* said, the establishment of a fortnightly communication would double the expense of the steam navigation necessary, in this heavy branch of expenditure; which was borne, as it was, in conjunction with the Indian Government. The present communication was extremely regular; and without saying that the time might not arrive when it would be well to have a more frequent transit of intelligence, at present he feared that it would be hardly practicable.

Dr. *Bowring* declared that he could not avoid reiterating his earnest wish that the Government would accede to a more frequent communication with their vast eastern empire. When he reflected on the magnitude of the interests involved, and the momentous importance, both in public and private relations, of rapid transmission of intelligence; when he remembered how much of national advantage would be secured, and how much of individual anxiety would be allayed by shortening the interval delaying the reception of news from India, he did feel inexpressibly the extreme weight of the question, and he considered it one well worthy of the serious attention of the right hon. Baronet at the head of the Government. Immense would be the benefit to civilization and to science from the measure he was advocating, and incalculable the augmentation of public and private convenience arising from thus extending the facilities of intercourse.

Sir *R. Peel* said, he did not at all dispute the force of the general principle advocated by the hon. Member. At the same time he begged to observe, that it was far better to increase the communication with Alexandria than with the East Indies; that though Austria and France had more frequent communication with the Levant they had not so with India; and that the expence provided for in this estimate, was only a portion of what even the existing system cost, the residue being borne by the East India Company. My principle object in rising (continued the right hon. Baronet), is to bear this public testimony to the liberal and enlightened conduct of the Pacha of Egypt, with respect to the transmission of the Indian letters during the late operations on the coast of Syria. Whatever causes of complaint the Pacha might have had against this country—and I do not enter into the question whether the complaint were well founded or not—it is impossible, but that the proceedings of England must have appeared to him unjust, and excited his dissatisfaction; and it was a great proof of a generous and enlightened mind, that these proceedings never induced him to throw the slightest difficulty in the way of the communications with India. Other countries may boast of more enlightenment than the Pacha of Egypt, but I much doubt if, under similar circumstances, any other power would exhibit so great a degree of liberality. I believe that the Pacha's conduct was dictated by wisdom, and a genuine appreciation of his own true interest; but it is not every country that, on such occasions, takes the sound and enlightened view of its own interest which, in the case of the Pacha of Egypt, seems to me worthy of this public acknowledgement in the British House of Commons.

Sir *C. Napier* said, he certainly concurred in the feeling expressed by the right hon. Baronet. At the time when the British forces were intercepting the Pacha's correspondence, he was generously admitting the uninterrupted transmission of ours. Conduct like this was worthy of civilized states, and showed that the Pacha's policy was not that of a barbarian, at least.

Mr. *Ewart* directed attention to the propriety of providing for better communication with such places as Trebizond, and with the ports on the Black Sea, where British commerce might ere long penetrate.

Vote agreed to.

On the question that 4,411*l.* be granted for the School of Design,

Mr. *Ewart* expressed his gratification at the report which had been laid before the House on this subject, whence it appeared that provincial schools of art had been established in and at Manchester, Birmingham, Sheffield, &c., and (he was surprised to find) also at a non-manufacturing city like York. There had, moreover, been established a female school of design in Somerset-house, and an admirable elementary work had been published under Government auspices on ornamental design.

Sir *R. Peel* said, as to the York school, many gentlemen well qualified to judge had expressed a strong opinion as to the advantage of such an establishment in that city, and he could by no means allow that a school of design could never be of any public advantage except in a manufacturing town; at the same time, too, the citizens of York had responded to the appeal, and had cordially availed themselves of the opportunity afforded by the Government. He therefore believed great good would result from such a seminary in an important metropolis like York.

Vote agreed to.

The House adjourned, at nine o'clock.

HOUSE OF LORDS,

Tuesday, April 25, 1843.

MINUTES.] BILLS. *Public.*—1ª· Schoolmasters Widow's Fund (Scotland).

Private.—1ª· Charlwood Inclosure; Norland Estate.

2ª· Northern and Eastern Railway; Manchester Corporation; Great Gransden Inclosure; Marquess of Abercorn's Estate.

3ª· and passed:—Imperial Con-tinental Gas; Trentham Roads; Ipswich Docks; Hungerford and Lambeth Suspension Foot Bridge; Brighton and Hove Gas.

PETITIONS PRESENTED. By Lord Campbell, from Forfar, for Abolishing the Privileges of Guilds and Incorporated Trades in Scotland.—From Guardians of Houghton-le-Spring Union, against Registration of Births, Deaths, and Marriages.—From ditto, for Alteration of Poor-law Amendment.

IRISH PAUPER LUNATICS.] Lord *Monteagle*, in moving, pursuant to notice, for certain returns relative to Pauper Lunatics in Ireland, observed that up to the year 1817 nothing could be imagined more wretched than was the situation of lunatic paupers in that country. In that year, a committee of the other House of Parliament took the subject into consideration; and it appeared from the report of that committee, which was presented by the present First Lord of the Treasury, that there was only at that time accommodation provided for 100 pauper lunatics in all Ireland. In some counties no provision at all, it appeared, was made for those unfortunate persons, while in others it was so scanty as to be totally inefficient to meet the evil. The late Mr. Dennis Browne, the then Member for Mayo, who gave evidence on that occasion, stated, that in consequence of the want of accommodation for pauper lunatics, those unhappy individuals were frequently secured in the following extraordinary manner:—A hole was dug in the ground into which the patient was plunged up to his neck, his head was then covered with a wicker basket, and he was left for a time in this miserable situation. In consequence of that report, a bill was introduced to provide for the erection of lunatic asylums in Ireland. The several counties were to contribute, in the first instance, to the erection of the buildings, and were afterwards to be assessed for the support of their unfortunate inmates. Under that act ten asylums were erected; and he believed it would be admitted by all who had paid attention to the subject, that no better managed lunatic asylums existed in Europe; but there appeared to be a tendency not to adhere to the system which was contemplated by the act of 1817. It appeared by the official reports that there were in many counties of Ireland a number of lunatics not charged with any criminal offence, and yet committed to the common gaols of those counties. They were there kept in confinement without that adequate superintendance—without the discharge towards them of any one of those moral duties which were contemplated by the Legislature when they passed the act of 1817. By the law as it now stood, individuals were liable to be committed by a magistrate as dangerous lunatics, although no charge was made against them as criminal offenders. Under this system persons were known to have been imprisoned from year to year in the gaols of Ireland without their cases being considered, or any steps taken to inquire into the circumstances which led to their imprisonment. The ill effects of imprisoning lunatics in ordinary gaols must be self-evident. Besides what was due to humanity, there were other reasons which should induce their Lordships to put an end to this practice. What, he would ask, must be the effect of allowing fourteen or fifteen lunatics to be confined in an ordinary prison? How utterly at variance was such a proceeding with anything like good government? Yet, that such a practice prevailed, could not be denied, however it might be condemned. By the report of 1840, it appeared that nineteen persons, who were lunatics, were confined in the county gaol of Sligo. How was it possible, when this was the case, that the gaol could be properly governed! If it were proposed that those unfortunate persons should be transferred from the gaol to the workhouse, he should oppose any such proceeding, as a total perversion of the principle on which the workhouse should be guided and directed. Those unfortunate persons ought to be sent to places where the moral treatment of the insane was properly understood, and where proper treatment with reference to their situation would be provided for them. As there was, he understood, at present a measure under the consideration of her Majesty's Government for the improvement of the Irish Poor-law, he hoped that in that bill they would effectually provide for the reception and care of the lunatic poor of that country, and that they would not sanction the confinement of those persons in the district workhouses. The noble Lord concluded by moving for the returns of which he had given notice.

The Duke of *Wellington* said, the facts stated by the noble Lord should receive the anxious consideration of her Majesty's Government, who, in considering the measure to which the noble Lord had referred, would bear in mind the suggestions which he had thrown out.

Motion agreed to.

BIRTH OF A PRINCESS—CONGRATULATION.] The Duke of *Wellington*: My Lords, your Lordships have all heard of the happy event announced to the public this day—the birth of a princess—and I avail myself of the earliest opportunity, in conformity with the established practice of your Lordships' House, to move an address of congratulation to her Majesty on the auspicious occasion. The noble Duke then moved,

"That an humble address be presented to her Majesty, congratulating her Majesty on the birth of another Princess, and to assure her Majesty that every addition to her Majesty's domestic happiness affords the highest satisfaction to the House of Lords."

Motion agreed to *nem. diss.*

Address to be presented to her Majesty by the Lords with white staves.

CRIME AND INSANITY.] Lord *Campbell* said, he wished to ask his noble and learned Friend on the Woolsack a question with respect to the bill which his noble and learned Friend had promised to introduce, relating to persons committing crimes under circumstances of supposed insanity. He did not blame his noble and learned Friend for not introducing the measure earlier, because it was one which, he felt, ought to be framed with great care; but he wished to know what had been done with reference to it, and when it was likely to be brought forward. Another question which he wished to ask arose out of the same circumstance, and, on that point, he understood that it was intended to take the opinion of the learned judges. He wished to know whether, as had been intimated by his noble and learned Friend, and as their Lordships had unanimously agreed to, it was meant that the judges should be summoned for the purpose of declaring how far, according to their opinion, and according to the law of England, the question with reference to the responsibility of persons alleged to be insane was to be left to the decision of a jury? He, for one, was most anxious to know whether, according to their notion and to the law of England, the judge could direct the jury that a crime was committed in consequence of insanity. At the time when the question was first introduced it was impossible that the learned judges could be present. They were then on circuit, and their Lordships could not have the advantage of their opinion; but the circuit was now ended, and the judges had returned to town. The difficulty now no longer existed. Another question which he desired to put related to the mode of interrogating witnesses; whether medical men who had been in court and listening while other witnesses were examined, might, conformably with the law of evidence, be asked if, according to the evidence which they had heard, they believed the prisoner to have committed the act with which he was charged while he was in a state of insanity? If such really were the law, he thought that it was likely to lead to most objectionable consequences. If the learned judges declared that it was the law, he should submit to their opinion, but he could not bring his mind to believe that it was the law. In conclusion, he wished to know whether his noble and learned Friend was prepared to bring in the bill which he had promised, and whether he deemed it advisable to call for the opinion of the learned judges on the subject?

The *Lord Chancellor* said, that with respect to the last question, it would be competent for his noble and learned Friend to put it to the learned judges when they attended, and therefore he felt that it would be improper for him to offer any opinion as to the law. The subject was one of very great importance, and he had consulted Lord Chief Justice Tindal with respect to it. That learned person thought it would be better not to call for the opinion of the judges until term was over. He told the learned judge that it would be inconvenient to wait so long, and begged of him to consult with the other judges whether they could not fix an early day for considering the subject. He had had no communication from that learned judge since. Still, however, he conceived that three weeks would be too long a time to suffer to elapse without coming to some decision. It should be observed that another subject of great importance, namely, the validity of certain Irish marriages, was at present under the consideration of the judges. In answer to the first question of his noble and learned Friend, he had to state, that the bill to which he had alluded was prepared. It had been referred to the law officers of the Crown, and been sent back again to him; but he did not wish to lay it on their Lordships' Table until he had received the opinion of the judges on certain points, because it might be found advantageous to alter some of its provisions.

Conversation ended.

House adjourned.

HOUSE OF COMMONS,

Tuesday, *April* 25, 1843.

Minutes.] New Writ.—For Salisbury, in the room of William Bird Brodie, Esq., who has accepted the Chiltern Hundreds.

Bills. *Public.*—1°. County Courts; Queen's Bench Offices; Exchequer Bills.

3°. and passed:—Testimony in the Colonies; Schoolmaster's Widows Fund (Scotland).

Private.—1°. Maryport and Carlisle Railway.

Reported.—Cromford and High Peak Railway; South Eastern, and London and Croydon Railway.

3°. and passed:—Charlwood Inclosure.

Petitions Presented. By Mr. Scholefield, from Boston, for the Repeal of the Income-tax.—By Admiral Dundas, Colonel G. Langton, Lord John Russell, Sir J. Duke, Lord Marsham, the Lord Mayor, Sir C. Napier, and Messrs. Thornely, E. Buller, Trelawny, Busfeild, Standish, C. Berkeley, Bell, C. Villiers, H. Berkeley, G. W. Wood, Ord, Packe, Yorke, Tancred, G. Knight, Cripps, W. Fielden, Cobden, Greene, Lambton, Ricardo, Hayter, Wynn, Ellis, Jervis, Miles, Ewart, Christie, and Blackstone, from an immense number of places, against the Educational Clauses of the Factories Bill.—By Mr. Hardy, from Bradford, York, and other places, for Limiting the Hours of Labour in Factories.—By Messrs. C. Villiers, and T. Duncombe, from fourteen Parishes and places, for the Total and Immediate Repeal of the Corn-laws.—By Sir John Hanmer, Sir M. Wood, and Mr. Mackinnon, from Hull, and a number of Metropolitan Parishes, in favour of, and against the Health of Towns Bill.—From Aylesbury, and Scarborongh, against Ecclesiastical Courts.—By Mr. S. Crawford, from Youghal, and by Mr. Sergeant Murphy, and Mr. Ross, from a number of places in Ireland, against the transferring to Scotland the Contract for the Mail Coaches in Ireland.—By Lord Marsham, from Scarborough, Gravesend, and Milton, against the Union of the Sees of St. Asaph and Bangor.—From Chester, for Medical Reform.—From the Medical Union of Ireland, in favour of the Medical Charities (Ireland) Bill.

Medical Profession.] Mr. *Macaulay* rose to put a question to the right hon. Baronet, the Secretary of State for the Home Department upon a very important subject, that was now in the right hon. Baronet's hands, and he did not know that the question could possibly be lodged in better—he meant the question of reform in the present state of the medical profession. He wished to ask, in the first place, whether the negotiations (as it was understood) in which the right hon. Baronet was engaged were in such a state as that a hope could be entertained, that this great question could be brought to such a termination as all might wish to bring it? The second was, whether any reasonable expectations could be entertained by the right hon. Baronet that he could introduce such an act as might pass into law this Session? The third question it would not be necessary to answer if the two previous questions were answered in the affirmative. The third question was, whether, if he felt he could not introduce a general measure on this subject this Session, he would not propose some remedy for that most pressing and crying grievance upon the medical profession, the exclusion of Scotch and Irish practitioners from practising in the union workhouses under the present law, or rather, as he would say, under a harsh construction of the present law?

Sir *James Graham* was understood to say, that he had to answer the first question in the negative: but he had to state, to the right hon. Gentleman that he had been so far successful that he had no doubt on his mind that in a very short period he should be able to ask the permission of the House to bring in a bill affecting the medical profession. The second question was whether he had any hope of passing such a measure. [Mr. *Macaulay*: This year.] That, of course, would depend upon the reception that his proposition would meet with. He was disposed, however, to entertain the hope, and might say confident expectation, that as at present advised, he felt certain not only of bringing in such a measure, but he believed—he confidently believed—that it would pass into a law in the present Session. As to the third point, he should content himself by briefly stating that he felt that a great hardship was imposed upon practitioners of Scotland and Ireland, that by an interpretation put upon the English act, they should be debarred from practising in the union workhouses; and certainly if the measure he meant to propose should fail in obtaining the support of Parliament, it would be his endeavour to remedy that particular evil.

TREATIES WITH PORTUGAL AND BRAZIL.] Mr. *Ewart* begged to repeat the questions, which he had put to the right hon. Baronet previous to the Easter recess, relative to the commercial treaties with Brazil and Portugal; and, also, as to the return of Mr. Ellis from Brazil.

Sir *Robert Peel* replied, as to the question put by the hon. Gentleman, as to whether Mr. Ellis was on his way to this country, he must say, as to that particular question, that he had not heard that Mr. Ellis had taken his departure from Rio de Janeiro. He would take that opportunity of answering the questions which had been also put by the hon. Gentleman and that were in substance the same with those put by the noble Lord (Lord John Russell) on the preceding evening, as to the present state of the commercial negotiations with Portugal and Brazil. To these questions he now meant to give such information as was consistent with his public duty to afford. He was sure, at the same time, that the House would not press him for any information which he might conceive would be prejudicial to the public interest. In the first instance, then, he had to answer the question as to their commercial relations with Portugal. In the course of last year—he thought on the 3rd of July, or early in July, 1842—a general treaty of commerce and navigation had been concluded between her Majesty and the Queen of Portugal. In that treaty, the usual articles relative to navigation and commerce were included; but amongst them there was one—the seventh—by which it was provided that the Governments of the two countries should proceed to the consideration of their respective tariffs, with a view to make such reductions in the amount of the duties levied as might be deemed consistent with the commercial interests of both countries. In consequence, then, of that article—the seventh article—her Majesty's Government made proposals to the government of Portugal—namely, that there should be a reciprocal reduction of the duties on such articles of commerce as were the produce or manufacture of each country. The articles chiefly that they took from Portugal, and on which this Government had propositions to submit for the adoption of Portugal—he spoke now generally of the articles they took from Portugal—were fruit, wine, and brandy. However, neither the quantity nor the quality of the Portuguese brandies made it an important article for consideration. Then, as to the fruits—there were certain descriptions of their fruits that came into general consumption, and a reduction 'of the duties on these would be of considerable advantage; but then the principle article on which a reduction had to be proposed by them, and which they hoped would have been acceptable, was a reduction in the duties on wine. He was sure the House would not ask him to enter into the minute details of the propositions that were made; but this he would say, that they were prepared to incur a loss to the revenue by the reductions that were proposed on the article of wine. All the articles to be received from Portugal, except a certain description of fruit, or at least, the principal one, wine, were articles of luxury, and, especially the latter, consumed by the upper classes. There were other articles, with respect to which the duties were very trifling; but the chief reduction was that on wine—nine-tenths, probably, in the event of their being able to accept the terms offered on the other side. They were willing to incur the loss of revenue, if they were met by a return on the part of Portugal; if they gained a reduction in the duties on the manufactures of this country, such as they thought they were entitled to. If he were asked to speak generally, he would say, that the amount of reductions which they proposed to Portugal, on wine, brandy, and fruit, was about 20 per cent., and that upon our cottons, hardware, linen, and glass, the duty should be 20 per cent. *ad valorem.* That was not to be applied indiscriminately to every article, but it was to be the general average on such articles as hardware and linen. It was to be about 20 per cent. on our woollens, cottons, linens, and he thought, hardware. With respect to other articles, such as porcelain, it was different; and then, as to fish, it was an exception. That was to be reduced one-half. There were other articles on which the duty was to be 25 per cent. *ad valorem*, and others, unenumerated articles, about 30 per cent. They had made various modifications in their proposals; but the negotiations were so long protracted that it was at last stated to the Portuguese government they could wait no longer. They told the Portuguese government that it was a great object to the manufacturers of this country that a final answer should be communicated to this country, and that this Government could not consent to any further protraction of the negotiations. In November last it was stated that the Government was not prepared to make any further concessions. The last accounts which had appeared in Portugal as to these negotiations, and which had been stated here, were to the effect that the proposals of England were not accepted, and that the negotiation was totally broken off. Now, speaking on this point, he must say, that it would have been a more correct translation of the original statements in Portuguese to have stated that they were "interrupted," instead of being "broken off." That, then, was the state of their negotiations with Portugal — their proposals were not acceded to. Then, with respect to Brazil, the state of the negotiation was this. At the close of last year, it was thought by them to be of importance to send to Brazil a gentleman who was in possession of the opinions and who had the confidence of her Majesty's Government, for the purpose of making certain proposals to the Brazilian government on the subject of a commercial treaty with that country. At that time they had every reason to believe that the Brazilian government would persist in maintaining its construction of the existing treaty. According to the construction here of the existing commercial treaty, that treaty was not to expire until November 1844. The construction which the Brazilian government placed on the treaty was, that it expired in November 1842. Of course a political question of great importance arose—there was a disputed treaty, and it was very important that an attempt should be made to have an amicable settlement of two such different constructions of the same treaty by the two governments. One point, then, which was entrusted to Mr. Ellis, was, that he should attempt to induce the government of Brazil to accept that construction of the treaty which the late and the present Government had put upon it —namely, that the treaty, clearly by the terms and the spirit of it, did not expire until the month of November 1844. That was one point which Mr. Ellis had to settle with the Brazilian government. But before Mr. Ellis had arrived at Rio Janeiro it was signified to the representative of her Majesty at that court, that the Brazilian government coincided with this construction of the treaty; and, consequently, that the existing treaty would endure until the month of November 1844. That, then, was to be the earliest period of its termination. They had then provided Mr. Ellis with instructions, that in case the Brazilian Government should be disposed to acquiesce in it, they would be willing to forego the special advantages which that treaty gave them, provided they could come to a permanent understanding in relation to, and with respect to a commercial treaty. Shortly after the arrival of Mr. Ellis in that country there were indications of a probable change in the then existing ministry. Mr. Ellis had, however, the opportunity of communicating what were the views of his own Government to the executive authorities, that were then in existence in Brazil. In the month of January, or at the close of last year, the change of government that had been anticipated took place, and there was a total change in the councils of the Emperor of Brazil. Shortly after the formation of the new Administration, Mr. Ellis proposed entering upon negotiations with respect to their commercial relations with Brazil. He proposed the appointment of a plenipotentiary for the purposes of this commercial arrangement. The Secretary of State (San Honorio) declared his readiness to discuss the subject, and to take upon himself the duties of a plenipotentiary; but he stated at once that he should feel it incumbent upon him, from a sense of duty, to insist that all articles constituting the agricultural produce of Brazil—coffee, sugar, tobacco, and rum—should be admitted into the markets of England precisely as the produce of her own colonies would be. Mr. Ellis informed him that his instructions did not permit him to negociate on such a basis. The Secretary (San Honorio) after some time, said, he had some modifications to propose, but the whole extent of his proposal amounted to this—that the difference of the duties imposed in this country on articles from Brazil should not exceed 10 per cent. on the produce of the English colonies. Mr. Ellis informed him that the terms were such that he was not authorised to submit to them, and the negotiation was at an end. According to the last information received, Mr. Ellis had not left that country. He had only now then to state, that the purport of the declaration of the Brazilian government was, that they could not permit any higher duties—no duties that should exceed 10 per cent.—upon the articles of their produce than the duties upon similar articles coming from English colonies; and Mr. Ellis submitted to them that these were terms to which this Government could not accede. That was the last account which they had received. In the communications made with the Brazilian and Portuguese Government, there was no stipulation for special advantages being conceded to this country, or that terms might be granted to England which those Governments might not be willing to concede to other countries offering them equivalent advantages. He was sure the House would not press him for more details. He trusted that he had answered the questions that had been put to him, and he now left it to the House to judge of the present state of these negotiations.

Mr. *Labouchere* was aware of the inconvenience of raising discussions upon questions of this sort; but there was one point upon which he wished to ask the right hon. Baronet a question. He wished to know whether he were to understand that the Brazilian Government had absolutely refused to treat at all, with a view to a commercial treaty with this country, unless the terms it had proposed to us, as the basis of such treaty, were agreed to; or if any attempt had been made to ascertain from them whether or not they might have been induced to entertain a treaty in which a clause, commonly known as "the most friendly nation clause," were introduced, that clause, as was well known, going to the effect of declaring that the state contracted with should be subject to no higher duties than were imposed upon any third state in commercial relationship with us. He was anxious to know whether any proposition of this kind had been made to the Brazilian government, and if it was subsequent to such proposition that they had refused to treat further?

Sir *R. Peel* said, that in answering the questions put to him on this subject, he laboured under some disadvantage, which might possibly cause him to do injustice to the Brazilian Government, from the fact that the last accounts which had been received by her Majesty's Government from Brazil had been made up within so short a period before the departure of the ship, that Mr. Ellis had not had time to inclose a copy of the letter which he had just received from the Minister of Foreign Affairs, and could only give a summary of its contents; and the tenor of it was that M. San Honorio had refused to entertain any commercial negotiations, except upon the basis that no articles mentioned subject to differential duties, should be subject to differential increase exceeding 10 per cent. He was not now in a position to be able to state whether or not Mr. Ellis had made a proposal to the Brazilian government of putting them upon a footing of the most friendly nations, but by the next accounts he hoped to have full particulars upon this and every other point connected with this negotiation.

In reply to a question from Lord John Russell,

Sir *R. Peel* said, that he could not encourage the noble Lord to believe that any result had been attained materially different from that which he had already explained to the House. Mr. Ellis, in his despatch, mentioned something about some new proposition being in contemplation, but added that it was not his impression that any such proposition would be acceptable, and that under this feeling he was then making preparations for his departure. It was possible, however, that some new proposition might have been brought forward between the date when this letter was written and the day of Mr. Ellis's contemplated departure. He had now told the noble Lord all that he knew on this subject. When he got the letter which he had mentioned as having been referred to in Mr. Ellis's last despatch, he should be able to tell the House exactly the nature of any propositions which had been made to the Brazilian Government, and the manner in which they had been received.

Mr. *Ewart* was obliged to the right hon. Gentleman for his very clear statements; but he did not exactly understand, from what the right hon. Gentleman said, what was the amount of reduction which this Government had proposed to make in the duties on Portuguese wines.

Sir *R. Peel* said, that he could not say exactly what was the amount of reduction proposed in these duties; but he could assure the House that they were so liberal that they would have occasioned a very considerable reduction in our revenue, and it was thought necessary to stipulate for very reduced duties upon British manufactures imported into Portugal.

STEAM-BOAT DISASTERS.] Sir *C. Napier* said, he did not know whether or not her Majesty's Government considered itself responsible for the lives of British subjects voyaging in steam-boats, but he hoped he might be allowed to ask a question on the subject of the right hon. Under-Secretary of the Board of Trade. It was generally known that steam-boats voyaging in various parts, and carrying a great number of passengers, were often very ill provided with boats for succour in case of casualty. In the case of one of the mail steam-boats, which was wrecked the other day on the coast of Spain, great advantage resulted from her being provided with paddle-box boats; and he wished to ask the hon. Gentleman whether her Majesty's Government had an intention of taking any steps to oblige steam-vessels to carry a sufficiency of boats to rescue the lives of passengers in case of shipwreck? He wished also to ask the gallant Officer opposite, who was a Lord of the Admiralty, whether it was true that the Surveyor of the Navy had objected to the Queen's steam yacht being fitted with these paddle-box boats?

Mr. *Gladstone* said, that he was not able to state, whether her Majesty's Government had in contemplation any enactment of the description spoken of by the hon. and gallant Gentleman opposite, but the hon. and gallant Officer was doubtless aware that a committee was sitting on the subject of shipwrecks, and he had no doubt the facts mentioned by the hon. and gallant Officer would be brought under their consideration. Whenever the subject was brought before the House, it would become very proper that this point should be taken into consideration.

Captain *Gordon*, in reply to the question of the hon. and gallant Officer opposite, could state that the Board of Admiralty approved very much of the use of paddle-box boats, which were used in all their own steam-vessels. He was not prepared to say what was the opinion of the surveyor of the navy upon them, but he should apprehend it was in their favour.

NEGOTIATION WITH BRAZIL.] Mr. *M. Gibson* said, that on an occasion some time back, when it was proposed to reduce the duties on foreign sugars, he understood that the objection raised against the proposition was grounded upon the fact that the sugar of Brazil was produced by slave labour, and that by encouraging its importation we should be encouraging slavery, It was hoped, in refusing to admit the Brazilian sugars upon more favourable terms, that the Brazilian government would have been induced to make some alterations in the laws relating to their slaves. He wished to know now, whether, when Mr. Ellis was deputed to the Brazils to negociate commercial relations with that government, he was instructed to make any proposals for an improvement of the condition of the slaves in that country?

Sir *R. Peel* said, that Mr. Ellis was charged with various propositions to offer, as he should think necessary, in case one or other failed. He was authorised, in order to place our commercial relations with that country upon a firmer footing, to waive any exclusive advantages which we possessed under the existing treaty. Among other points intrusted to him to submit to the Brazilian government was one relating to the state of their slaves, but Mr. Ellis had not occasion to bring that point before the Brazilian government, because M. San Honorio said he could only treat with him under the conditions at the outset, that Brazilian produce should be admitted under no higher duties than those imposed upon similar articles the produce of our colonies. This being the ground upon which the negotiation was broken off, it left Mr. Ellis no opportunity of submitting the various matters which had been confided to him to the Brazilian government.

THE LATE DUKE OF SUSSEX—ADDRESS OF CONDOLENCE.] Sir *R. Peel*: I dare say, Sir, that any Gentleman who may have given notice of a motion which stands for to-night will permit me, in conformity with usual courtesy, shortly to interpose for the purpose of carrying out the intention of which I gave notice last night, of proposing an address of condolence to her Majesty, on account of the loss which the country and her Majesty have sustained by the lamented death of his Royal Highness the Duke of Sussex. The motion with which I shall conclude, of course, contains an address of sympathy to her Majesty, and a tribute of public respect to the character and memory of the Duke of Sussex. Though the Duke of Sussex was not called upon to perform distinguished military services, and though, by his position, he was precluded from rendering any great services in a civil capacity, yet, by the force of his own character and conduct, he succeeded in establishing claims on the respect and public attachment of his country. His long residence by preference in England—his truly English habits—his conciliatory manners and demeanour—his habits of friendly and social converse with all classes of society—his zeal in the promotion of every object connected with science and literature, a zeal the more effectual on account of his own literary and scientific attainments—the readiness with which he, in common with all other members of the Royal Family, made every sacrifice of time and personal interest for the advancement of every object connected with charity and benevolence; all these constitute claims on the grateful remembrance which must long endear his name to the people of this country. I must also add, that the integrity, consistency, and disinterestedness with which his Royal Highness maintained, throughout his life, those political opinions which he professed, must have naturally established a strong point of connection and attachment between him and those who shared those opinions with him; whilst they entitled him no less to the respect of those who differed from him. His Royal Highness combined the firm maintenance of his own opinions in political matters with such an absence of asperity towards those who differed with him, that it is impossible he should have left behind him a political enemy. I have thus, in calm and simple language, endeavoured to enumerate the strong titles which his Royal Highness had to public respect, and which every one will admit. I have said nothing that is not in precise conformity with the truth, and I am sure that the simple statement of the truth forms a panegyric much more suitable to the character of his Royal Highness than any elaborate or inflated encomium that could have been passed upon him. With these few short observations, I shall submit to the House a motion which I hope will meet with their unanimous concurrence. I beg to move, that an humble address be presented to her Majesty, to express the deep concern of this House at the loss which her Majesty has sustained by the death of his Royal Highness the Duke of Sussex, to condole with her Majesty on the melancholy occasion; and to assure her Majesty that this House will ever participate with the most affectionate and dutiful attachment in whatever may concern the feeling and interest of her Majesty and of her illustrious House.

Lord *J. Russell:* The right hon. Gentleman will perhaps allow me the honour to second the motion. I should hardly have added a word to what has been so well and so feelingly said by the right hon. Gentleman on this subject, but that I had the honour of an intimate acquaintance with the late Duke of Sussex, and was most sincerely attached to him. With regard to his political opinions, what the right hon. Baronet has said is perfectly true, that their consistency attracted the respect not only of his friends, but also of his political opponents. I will not say one word as to whether these opinions were right or erroneous, but I will say that they were opinions taken up from thorough conviction—that they were not opinions which were naturally in conformity with his birth or rank, but opinions which he advocated as tending to the maintenance of the constitution under which he was born, and to the benefit of the people amongst whom he lived. With respect to his attachment to science and literature, there was nothing of ostentation in his devotion to these pursuits. There was nothing on his part like a pretence of conferring honour on those with whom he associated. It was, on the contrary, a love of these subjects on which he was well entitled by his attainments and study to speak, by which he was animated, and which enabled him freely to converse on such subjects with those who had devoted their time to them. I shall only add that I sincerely agree with the regret which the right hon. Gentleman has expressed, and in the expressions of condolence and deep sympathy to her Majesty for the great loss which she and the country have alike sustained.

Motion agreed to *nem. con.*

Birth of a Princess—Congratulation.] Sir *R. Peel*: On account of the event which has taken place this day, it is my duty to propose to the House to mingle congratulation with condolence in addressing her Majesty; and I feel perfectly convinced, that the address which I am now about to propose to congratulate her Majesty on the birth of another Princess, will be received with equal unanimity with that which has just been agreed to. In conformity with all usage, an address of this kind would be moved on such an occasion. It is impossible that a Princess of the House of Brunswick could be born without its being considered a matter for congratulation. But I venture, Sir, to say, that the congratulations which this House will offer on this occasion are not mere formal compliments in accordance with established usage. Every one who knows how to estimate the discharge of every duty that can be imposed on a wife and a mother—every one who can estimate the effects of such an example, set in the highest station in life, can properly estimate a proposal of this kind, and will give their cordial wishes for the continued health and happiness of her Majesty.

Lord *John Russell*: I rise most cordially to second the motion of the right hon. Baronet in this Address. All who know her Majesty know that the happiness enjoyed by her, in her own home, is greater than that which she derives from her high station; aad all must concur in congratulating her Majesty on an event which conduces so intimately to both.

Motion agreed to *nem. con.*

Import Duties—Commercial Treaties.] Mr. *Ricardo* spoke to the following effect:*—

I am well aware that the motion which I rise to bring forward has this disadvantage, that it is liable to be met, not so much upon its own merits, as upon the assumption of its being objectionable that the subject should be broached at all, while negotiations are in progress which this debate may materially influence; and I at once anticipate this objection, because I feel that it is entitled to consideration. It is, Sir, not without much reflection, that notwithstanding this circumstance, I have persisted in my motion, upon the ground that if we were to wait until the war of tariffs, which is now bringing such great calamities on the commerce of the world, and more especially on our own, be brought to a conclusion, there would, I fear, be no opportunity in our life-time of joining issue on the question of retaliation at all; and that it would be ridiculous to wait until a system be spontaneously abandoned before discussing its impolicy. And we must not imagine that we can conceal our real position from foreign countries. We must not hide our heads and fancy that none can see us; we must not suppose that it is not evident to all that the system of retaliation is more injurious to ourselves than to those towards whom we have adopted it; that an adult commerce (if I may use the expression) requires more nourishment than a growing trade; and that every restriction which we put upon the production of our neighbours, re-acts with a double force on our own. That this assertion is not unfounded, hear what was said in the Chamber of the Brazils, that—

"All the world knew that the interests of the English population were sacrificed to the interests of the English landowners and of the proprietors of West Indian estates.

"All the world knew that the consumption of Brazilian sugar was prohibited in England, but that it was refined there and sent to the West Indies, in order that the planters of Jamaica and the other islands might be able to buy it at a very low price there, and in that way be able to send all their produce to England, to be sold at monopoly prices to the English people.

"All the world knew that the interests of the English people were thus sacrificed; but they had long been accustomed to submit to monopolies of all descriptions; now, however, that the English population was becoming familiar with the discussion of such questions; now that they saw the flagrant injustice of sacrificing the working and labouring classes to the proprietors; now that they saw that they were not allowed to taste the cheap sugars of the Brazils, but were restricted to the dear ones of the Antilles, whilst the West Indians were allowed to purchase Brazilian sugar at a low price, from this time it would be impossible for the English Cabinet to maintain the interests of the aristocracy against those of the nation."

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* From a corrected report.

This speaks for itself; and seeing that whatever objection may be made to the inconvenience of my motion will be in equal force at any other period; believing that nothing can be advanced by your ambassadors or envoys, or stated in this House, can conceal, or add to the knowledge of the fact, that retaliation means neither more nor less than a determination on our part to consume dear wine, dear sugar, and dear corn, because other countries choose to buy dear manufactures, I trust that I may stand excused before the House if I persist in the course which I have adopted, and I will therefore at once proceed to state upon what that course is founded. Last Session in bringing forward his financial plan, the right hon. Baronet said:—

"Now there are some very important articles on which we do not propose any reductions, partly from considerations of revenue exclusively, partly on this account, that we found on entering office there were negotiations pending with many states in respect to proposed commercial treaties, and we have done all we could to continue these negotiations, commencing also with some other states."

The right hon. Baronet went on to say:—

"Now, while these treaties are pending, there are several articles, wine and brandy for instance, which would enter into discussions with these states, and with respect to the duties on which, therefore, I shall humbly advise the House not at present to make any material relaxation."

These, Sir, are the passages on which I have founded my motion, and I shall, with your permission, quote a few more words which fell from the same right hon. Gentleman, to shew that I am not altogether discountenanced by him in the view which I am about to take of the principles of commercial policy.

"We have reserved many articles from immediate reduction, in the hope that ere long we may attain that which we consider just and beneficial to all, namely, increased facilities for our exports in return. At the same time, I am bound to say, that it is for our interest to buy cheap, whether other countries will buy cheap or no. We have a right to exhaust all means to induce them to do justice, but if they persevere in refusing, the penalty is on us, if we do not buy in the cheapest market. I feel certain that the example of England, adopted at a time of commercial and financial difficulty—our determination to pursue our path in the right course, will operate on foreign nations; but if we find that our example is not followed, if we find that instead of reducing the duties on our manufactures they resort to the impolicy of increasing them; still this ought not, in my opinion, to operate as a discouragement to us to act on those principles, which we believe to be sound. Those principles which will not only be immediately profitable to us, but the example of which will ultimately ensure that general application of them, which will confer reciprocal benefit on ourselves and all those who are wise enough to follow it."

And this is my apology. I also think with the right hon. Baronet, that it is right to act on those principles which we believe to be sound; and when I look upon the present state of the commerce of this country, when I consider its vast resources of wealth and population, and perceive that while the one cannot find adequate employment, the other is looked upon by a great many as a burthen rather than a source of wealth—when I couple the increase of our taxation and our burthens with the falling-off in those legitimate sources of revenue which mark the popular power of purchase and consumption, I do think the time has come when we should no longer hesitate to acknowledge the necessity of giving extension to our markets, and of adopting practically those doctrines which the right hon. Baronet and his colleagues have one and all theoretically avowed. As civilization and refinement progressed, so have we adapted to them our social institutions, but through all the development of our capital, our population, our ingenuity, and our productive powers, the commercial institutions of this country have been on the same plan; and we have endeavoured to govern trade by our Custom-house, rather than to take the necessities of our commerce as the foundation of our fiscal laws. We have carried a system invented in times when commerce was undervalued and misunderstood into our own age of intelligence and peace, and when the miserable results are before our eyes; we look to this interest and to that interest, to petty details and contemptible rivalries, rather than to a bold and direct revision of the whole structure. Instead of making use of those elements of prosperity which we pre-eminently possess, we are contented to waste them, while by means of commercial treaties we are endeavouring to cobble and patch up commerce, which this very system is destroying. We think we can sell without buying, and in this idea we plunge into diplomatic intrigues, in which the party who succeeds the best, though he may be the best diplomatist, is certainly the worst political economist. I know, Sir, that there are some who are apt to treat with ridicule those doctrines which they will not take the trouble to examine and understand; but I am proud to think and anxious to acknowledge that my own convictions are founded on those of nearly all the great writers on commercial economy, and that the calculations of its theories are proved by the facts of our own experience. I could quote very many high names in my favour, but I shall confine myself to two:—The first is a gentleman who was not appreciated in his lifetime, but who, since his death, which we must all deplore as a loss to the country, is received by every one as a great practical authority. Mr. Deacon Hume, in giving his evidence before the Import Duties Committee, was asked this question:—

"When you speak of giving an example to Europe, do you believe that if England would remove those which are protective duties to cotton, or any other manufacture, that might induce the other nations of Europe to adopt a more liberal system of trade, and consequently lead to the admission of a larger portion of British manufactures?—I think it very probable that even such partial removals would have that effect; but I feel the strongest confidence that if we were to give up our protective system altogether it would be impossible for other countries to retain theirs much longer. Would you remove our own protection without any foreign country removing theirs?—Most certainly, without even asking them; I dislike treating with any foreign country upon any subject except navigation, and that for the reason that there would be waste in the matter of carriage between different countries, it would end in the ship always going empty one way; on both sides this would be a dreadful waste, from which every country would suffer in its commerce."

And again:—

"A ship in one place is a ship in another, there is no difficulty in the comparison; but there is difficulty in comparing one description of goods which one country makes with a totally different description made in another, and equal terms can hardly be made; but I feel quite confident if we were entirely to drop our system of protection, in a very little time it would be a race with other countries which should be the first, or rather, which should avoid to be the last to come in for the benefit of that trade which we should then open."

"Mr. Villiers: Do you not consider a retaliatory duty as most adding to the injury which the duty imposed by the foreign country occasions in this country?—I have always thought so. I have always disliked all treating in this matter; I would take what I wanted, and leave them to find the value of our custom.

"Chairman: Then that principle you would apply generally to the commercial transactions of this country?—Entirely so; I should make our laws according to what I deemed best, which would certainly be to give the freest possible introduction to the goods of other nations into our country, and I should leave others to take advantage of it or not as they thought fit. There can be no doubt that if we imported from any country any considerable quantity of goods, and the manufacture of that country were protected, the producers of these goods which we took would very soon find the great difficulty they had in getting their returns, and instead of soliciting the governments of those countries to admit our goods, our advocates for that admission would be in the country itself, they would arise from the exports of the goods which we received.

"Mr. Chapman: It is your opinion, that the trade of this country would flourish more without the intervention of commercial treaties with other nations?—I think that we should settle our commerce better by ourselves, than by attempting to make arrangements with other countries. We make proposals to them, they do not agree to these. We then, after that, feel repugnance to doing that which we ought, perhaps, in the first instance to have done of our own accord; and I go upon the principle that it is impossible for us to import too much, that we may be quite sure that the export will follow in some form or other. And that the making of the articles to be so exported, will be an employment infinitely more beneficial to this country than that which may be thus superseded."

One more writer I may be permitted to quote, as the extract is not long, and very much to the purpose. Mr. Say, in speaking of commercial treaties says—

"It is incontestable that a nation, which deprives you of the faculty of trading with her, does you an injury. She deprives you of the advantages of external commerce, as far as regards herself, and consequently, if in making her fear for herself an equal injury, you can determine her to break down the barriers she opposes to you, doubtless such a means may find approval as a purely political measure. But this reprisal which is prejudicial to your rival, is also prejudicial to yourself. It is not a defence of your own interest which you oppose to an interested precaution taken by your rivals, it is an injury which you do yourselves, in order to do them another. You debar yourselves from useful relations in order to debar them from useful relations. It remains only then to ascertain up to what point you cherish vengeance, and how much you will consent that it shall cost you."

He adds in a note—

"The colonies which rebelled at the beginning of this century (1800) such as La Plata, St. Domingo, or Haiti, have opened their ports to foreigners, they have insisted on no reciprocity, and they are richer and more prosperous than ever they were under the prohibitive system. The commerce and profits of the Havannah have doubled since by the force of circumstances, and contrary to the system of its metropolis, this Spanish colony has admitted all flags—the old States of Europe resemble those obstinate peasants who persist in their routine and their prejudices, although they see around them the very good effects of a better and wiser conceived system."

This was written by Monsieur Say nearly twenty-five years ago, and see the practical commentary on it now. Spain, with the example of the Havannah before her eyes, drawing from thence resources even while her own are exhausted, is higgling with you for a treaty of commerce; and you, while endeavouring to shew her her bad political economy, are setting her the example of it. From this unhappy treaty have grown up jealousies and dissensions with other powers, and I will venture to say, that there will be more jealousies, and more differences, and that you will come to no arrangement at last. But if you want trade, and not treaties, admit freely the wines, and the oils, and the fruits, of Murcia, and Valencia, and Malaga, and Granada, and Seville, give free entry to the produce of the fertile soils of Arragon and Andalusia, and I will make bold to say, that these provinces, seeing their markets dependent upon the extension of yours, will be too strong for the monopolist manufacturers of Catalonia, backed though they be by the smugglers of the frontier, and the French manufacturers, by whom those smugglers are employed; and that a mutual interchange will take place without a treaty at all, but will be carried out on the statute books of England and of Spain. But even allowing that I should be mistaken in supposing that if the interests of the whole of Spain besides should be set against those of the monopolist manufacturer, in spite of all, she should refuse to make any reciprocal concessions, I think the case of another great power, with whom you are bargaining at this moment, is a positive proof that an increased trade and an increased revenue is independent of such concessions. France has two staple commodities, brandy and wine; upon the first of these we have increased, upon the second we have lowered the duty. Let us see the result. First, with regard to brandy. In 1801, the duty on French brandy was 11*s.* 1*d.* per gallon. The import was 2,499,491 gallons, and the revenue received upon it was 1,382,718*l.*—the consumption per head being 0·15. In 1821, the duty was 22*s.* per gallon, at which rate it now remains,

	Gallons.	And the revenue raised on it.	Consumption per head.
In that year the quantity imported was .	1,013,400	1,031,217	0·05
In 1831 .	1,268,198	1,338,167	0·05
„ 1841 .	1,179,927	1,346,700	9 04

So that in 1801, with a duty of 11*s.* 1*d.*, 16,338,102 people (for that was the number of the population of that year) paid rather more to the revenue, than with a duty of 22*s.* 6*d.*, 26,700,000 people paid in 1841. At the rate of consumption per head shewn in 1801, the quantity used by the population of 1841 would have been 4,006,750 gallons, and the revenue would have received 2,220,410*l.*; so that we have lost the opportunity of giving employment to labour in the manufacture of commodities to exchange for 2,826,823 gallons of brandy, and sacrificed 873,710*l.* of revenue. So much for an increased duty. Now let us see what is the effect of lowering a duty. In 1831, the duty on French wine was lowered from 7*s.* 3*d.* to 5*s.* 6*d.* a gallon. The duty paid for consumption on French wine was—

	Gallons.	Revenue.
In 1831	on 254,366	£77,184
1832	228,627	62,331
1833	232,550	63,164
1834	260,630	71,131
1835	271,661	74,080
1836	352,063	96,534
1837	438,594	120,286
1838	417,281	113,992
1839	378,636	104,043
1840	341,841	96,756
1841	353,740	101,798
1842	382,417	110,055

But this is not all; when Lord Althorp in 1831 lowered the duties on French wine merely as a financial measure, and without reciprocal concessions at all, the value of our exports to France amounted to six hundred and odd thousand pounds, and in 1842 they had increased to between two and three millions. This shews, as clearly as statistics can shew anything, that it is our interest in every way to lower our import duties, without waiting for or demanding reciprocal concessions. And I will defy anybody to prove from your army of blue books, that an increase or decrease in our imports has ever failed in producing a corresponding increase or decrease in our exports. But do not believe that France as a nation, is not disposed to follow any example of commercial liberality which we may shew her. I hold in my hand a copy of a memorial from the city of Lyons, presented to the King of the French, which bore the signature of upwards of 300 firms of that city. I shall not quote the whole of this document, but I will read two extracts to shew the liberal commercial opinions of that great manufacturing town:—

> "Germany each day diminishes its purchases, because we refuse the greatest part of the commodities with which she could furnish us."

They finish by saying—

> "Sire, if our interests were opposed to those of the country in general, to those of your Majesty's great and wise policy, we should not dare to raise our voices, but we would suffer in silence; it is not so however. The line of policy which your Majesty has marked out for France is that of the progress of peace, of association with all nations, by means of exchanges of every kind. It is not that isolated policy which some wish to adopt, under the pretext of national protection, and the security of existing interests."

We have an imposing term for this in England. We call them vested interests. St. Etienne has adopted the same course; and a similar memorial from that town in which the iron and coal productions are carried on, as well as the manufacture of ribbons, has been signed, and is about to be presented to Louis Philippe King of the French. The Chamber of Commerce of Lyons have expressed nearly the same sentiments; and as far back as 1835, the Minister of Commerce, M. Duchatel, having issued a circular, requesting the opinions of the different towns, with regard to a contemplated change of import duties, Bordeaux, Marseilles, Lyons, Boulogne, Strasburg, Bar-le-duc, and one or two others pronounced themselves, through their respective Chambers of Commerce, if not in favour of free-trade, at all events for a very liberal course of commercial policy. In Portugal too the wine-growers of Oporto and Madeira, and the shipowners of Lisbon have loudly expressed their indignation at the ruin which is brought upon them for the sake of the manufactures, and, above all, the miserable cloth and fishery monopolies, upheld though they be by those high in station. And let me tell hon. Gentlemen opposite, that though in one country it may be the landowners, in another the manufacturers, who are oppressed by monopoly, in whatever country it may be, in whatever specious form, or under whatever delusive circumstances it may present itself, it is beginning to be universally acknowledged as a curse to the community, and the many who suffer are joined against the few who profit by it. Now, Sir, let me point to the position of the three countries I have mentioned, in respect of commercial treaties with England. France, Spain, and Portugal have each the same staple product. Upon the wine and brandies of each is levied the same duty. By relaxing the charge upon the staple of one of these countries, you create a differential duty in its favours to the prejudice of the others, and it is therefore the interest of each to oppose any arrangement at all. I know I shall be told that if you succeed in negociating a treaty by which, in exchange for certain concessions, you reduce the duty on the productions of one country, those whose productions are of the same description must necessarily, on pain of the ruin of their trade, come to your terms. Now, without descanting on the obvious fact, that if their trade with you is ruined, your trade with them cannot be in a flourishing condition, I may perhaps be allowed to throw out a suggestion as to whether it would not be advisable to force at all events two commercial treaties to a satisfactory conclusion; for by entering into terms, good or bad, with Portugal, according to this reasoning France and Spain must necessarily follow. But recollect that there is another alternative, and that is a rupture with the prejudiced party. I do not say this will be the case, but it may; we have seen a war-cry raised on a worse pretext than this, and I ask you seriously to consider the risk as well as the gain of a successful commercial negotiation. Of course, Sir, I have no means of knowing, and the public service would probably be invoked against any information being given as to the probable termination of these negotiations, beyond what was furnished by the right hon. Baronet at the commencement of this day's proceedings, and which certainly is explicit as to the fate of two out of the four important treaties in agitation; but I must say, that seeing the small prospect which exists of any conclusion to these treaties, I cannot but regret that the right hon. Baronet ever gave importance to his reform of the tariff last year, by exciting our hopes with regard to a remission of import duties on certain foreign productions at all. The incalculable mischief which has resulted from the uncertainty which prevails with regard to a change in the import duties on articles of great consumption is best exemplified by a return which was moved for by the hon. Member for the city of London, being an account of the numbers of gallons of Portugal wine on which the duties were paid in the United Kingdom in the several years ending the 5th of January 1840, 1841, 1842 and 1843, with the rate and amount of duty paid thereon distinguishing each year:—

	Quantities charged with duty.	Amount of duty received.
	GALLONS.	£.
Year ended 5th Jan. 1840	2,998,151	823,875
" " 1841	2,773,404	785,452
" " 1842	2,481,345	715,950
" " 1843	1,399,708	403,134

Thus in consequence of the declarations of the right hon. Baronet last year, there is in the quantity imported a diminution of 1,081,637 gallons, and a loss to the revenue of 312,816*l.* This is the natural result of making commerce dependent on uncertain and secret diplomatic negotiations; for no merchant can invest capital in stock, which is from day to day liable to depreciation, from a change in the duty charged upon it. But why should we not at once adopt a course which will avoid all these evils? Why not (to use the forcible language of the right hon. Baronet himself), boldly resolve to buy cheap, whether other nations consent to buy cheap or no? Why not throw open our ports, saying to the whole world, bring hither your wine and your fruits, and your corn, and your coffee, and your sugar. without let or hindrance, and we will pay for them, (as only we can pay for them), with those commodities which we in our turn produce more economically than you. Then will be written on the wall, in characters which they cannot misunderstand, that which was said by Adam Smith, and which has been repeated by every political economist who has followed him, that "it is the maxim of every prudent master of a family, never to attempt to make at home that which it would cost him more to make than to buy;"—and if they find a market open for their economical produce, but that there is a law at home, in the shape of an import duty, which prevents their making the most of that market, then it becomes the interest of every foreign merchant and every foreign man, to do his utmost to procure a repeal of that law—even as here in England, the agitation for free trade is occasioned by our seeing markets open to us, of which we are forbidden to avail ourselves. Thus, Sir, you will create emulation amongst nations as to which shall have the best trade with us. The wines of Spain, and Portugal, and France, and Germany, and Italy, will be in the market against each other. The corn of Poland, America, and Spain, and Germany will meet in rivalry; capital will be diverted from competition to barter with us. That country which gives the greatest freedom to our trade will carry the greatest development of its own at the expense of the others; and, I contend, that each in its own defence must lower its import duties on our commodities, in proportion as they are lowered by the other, for they would perceive that the only limit to their trade with us is that which their own import duties impose. And so let us acknowledge, that if we take care of our imports, our exports will take care of themselves; let us consider our own necessities, and be the first to see our own interest. Lord Bacon said—"Time is the greatest innovator, and if time of course alter things to the worse, and wisdom and counsel alter them not for the better, where shall be the end?" If we go back to the old times when clumsy waggons toiled over rough and neglected roads, bringing goods manufactured by a slow and laborious process to the ports, where wooden sheds received them, thence to be transportod into slow sailing and unsafe vessels, to convey them to undefined and doubtful customers; and then, recollecting that the millions which have been derived from trade have been re-invested in trade, expended in ports, and in docks; in building ships and machinery, and, as it were shortening the space between our manufacturing and sea-port towns and thence to our foreign markets; if we contrast what was, with what is—if we compare the speculative venture of an age gone by, with the nicely calculated mercantile transaction of the present day, is it possible to defend the continuance of a system established for other wants, and under different circumstances, and say that it is adapted for our own? I believe that the trade of this country has outgrown the limits which were arbitrarily assigned to it. The mischief of uncertainty to which my motion points more particularly, is one of the many evils which must exist until the system in which it originates is abandoned altogether; and I implore this House not hastily or unthinkingly to decide against a principle, which I believe to be the only one which can reanimate industry, and restore the equilibrium of our commerce. I now beg leave to move—

> "That an humble address be presented to her Majesty, respectfully expressing the opinion of this House—that it is not expedient that any contemplated remission of Import duties be postponed, with a view of making such remission a basis of commercial negociations with foreign countries."

Mr. *Gladstone* acknowledged the fairness and ability of the statement of the hon. Gentleman, but at the same time he did not think, considering the state of the country, and its relations with foreign powers, that the discussion of the question which the hon. Gentleman had broached was expedient in itself or likely to be attended with advantages even in respect to the objects which the hon. Gentleman had in view. While protesting, however, against the inconvenience which might be occasioned by discussions of the kind, he could not much blame the hon. Gentleman for bringing before the House a resolution which he believed to embody matter important to the well-being of our commercial interests, but the hon. Gentleman was certainly very bold in his proposition. He believed that no hon. Gentleman had ever, at least within his recollection, submitted to the House for its adoption, any single proposition of the nature of that now brought forward without qualification; no one had ever submitted a proposition so broad and so sweeping as that to which they were now called to give their consent. The noble Lord opposite, at the commencement of the Session, had introduced a motion for the appointment of a committee to consider the advisability of the removal of commercial restrictions; but in his speech upon that occasion, while he expressed his disapprobation of commercial restrictions, he, nevertheless, did recognise—constrained by the necessity of the case—the principle that the removal of these restrictions was a question of degree, and that for a time a considerable portion of them must be endured. Other hon. Gentlemen had proposed free-trade with respect to certain articles—corn, for instance—but the present motion of the hon. Gentleman went much further than either of the propositions which he had cited, or any other; because, while the hon. Gentleman condemned all commercial restrictions, he also advocated the principle that at once and at one single stroke they should be abolished. For such, if they combined the propositions which it contained, would the resolution before them be found to amount to. With respect to vested interests, the hon. Gentleman did not allow that that consideration had any force. He did not allow that pending commercial negotiations afforded sufficient grounds for delay; and as for considerations of revenue, the hon. Gentleman would not tell him that they furnished grounds for opposing his motion, because he would say that revenue should be levied only for fiscal purposes, and that a reduction of duty would be the best way of accomplishing these purposes; but, so far as protective taxation was concerned, the motion of the hon. Gentleman meant, if it meant anything, that entirely and at once such duties should be removed. The hon. Gentleman had, however, admitted that the commercial negotiations pending with foreign countries afforded at least some objections to his motion, which were worthy of consideration. It was more convenient to discuss the motion with reference to existing circumstances than to examine into its merits as an abstract proposition. They were not then thinking about introducing a system of restriction. They had not a fair field. They found themselves in certain circumstances, and they must give these circumstances their due weight. He should not be disposed to commit himself without qualification to any such proposition as that of the hon. Gentleman. The hon. Gentleman had referred to the principles enunciated by the right hon. Baronet at the head of the Government, and laid down by many great authorities in the House and out of it; and he insisted that those principles which expressed a general rule of abstract truth as applied to commercial questions, should be applied to particular circumstances, without qualification and without reserve. He repeated, that he was not prepared to give his assent to any such principle. Admitting, as he did, the expediency of buying cheap as a general rule, he could not consent to applying it generally to all circumstances, without having regard to the course of previous legislation, and to its effect upon the distribution of domestic capital and labour. The hon. Gentleman might speak of vested interests with great lightness; and he was very ready to admit that they might often be made pretexts for maintaining schemes of gross selfishness, and highly injurious to the public, but he could not admit that all the investments of capital and labour which had been made in this country were to be wholly overlooked for the sake of a dogma of political economy. He admitted the evils of commercial retaliation, but he should be sorry to say that under no circumstances could commercial retaliation be desirable. It was not so of course in itself, but as a choice of evils. He claimed for himself the liberty of applying the general doctrine to cases as they might arise, for the universal adoption of the general principle would have no effect, other than to throw obstacles in the way of beneficial legislation, and render it impossible to obtain from foreign governments arrangements which they believed might greatly benefit the country, and which might be obtained by a judicious use of the import duties levied against them. With respect to commercial retaliation, was the hon. Gentleman aware of the latest case of the kind which had occurred? It happened in the year 1833, when the two noble Lords opposite were in office—when Lord Sydenham was at the head of the Board of Trade, and when there was every disposition on the part of the then Government to accede to liberal commercial measures. The King of Naples then imposed differential duties upon British ships, and what was the course taken? Why the Government met the measure with a double retaliation, for they first introduced a discriminating duty into our commercial law against Neapolitan ships, and another duty against Neapolitan produce. They first retaliated upon their ships, and then upon their goods; and he must remark, too, that articles of Neapolitan produce—particularly the article of oil—were highly valuable. That article was a necessary accessary to many of our manufacturing processes, and one which it was highly desirable should be purchased as cheaply as possible. He was happy that it had been found practicable to remove the enactments to which he had alluded. He gave no opinion as to whether they were wise or necessary; he mentioned them merely to show that those who had been most favourably inclined towards the doctrines of free-trade had admitted the necessity of commercial retaliation, and that, therefore, so far as that went, the hon. Gentleman would have to combat his own political friends. But he must observe that the question was not now one of retaliation—it was not now proposed that any measure of that nature should be adopted, although, as the hon. Gentleman knew, many measures exceedingly hostile to the commerce of this country had been lately adopted by foreign nations; but there was a material distinction between declining to adopt measures of retaliation and determining altogether to overlook the hostile proceedings of foreign countries. The hon. Gentleman had dealt in general maxims. He had told them to take care of their imports, and their exports would take care of themselves. That principle was one, as he believed, deserving of the greatest attention, and great effect had been given to it by the proceedings of last Session. He had more than once heard it stated that these proceedings had reference to small and unimportant articles, and that the larger and more important articles had been carefully excluded from the operation of the tariff. Now, on the contrary, he had made inquiries in order to ascertain the value of the commodities to which the tariff applied, and he found that the reduction occasioned by it extended to an amount of imported commodities to the value of twenty millions of money. Free scope had, therefore, been given to the principle to which the hon. Gentleman had alluded, and when he quoted the declaration made last year by the right hon. Baronet, in recommendation of the propositions then before the House, and applied these declarations to present circumstances, without any qualification, he was quoting a principle which should be applied with material qualifications, because circumstances were greatly changed since it had been enunciated. Taking our former commercial creed as a whole, he thought that twelvemonths ago it was in the power of foreign countries to urge our own example against ourselves, when we pressed upon them the policy of admitting our productions. But matters were changed by what had been done since, and although many high, and some extremely high duties remained on our commercial code, yet he believed, comparing it with those of other great commercial countries, it would be found that our own system was the least restrictive of them all. Take France, Germany, Spain, or the United States of America, compare their commercial codes with ours, and hon. Members would find that the latter was better adapted to facilitate commercial intercourse, and offered less impediment to mutual exchange, than did those of any of the great civilized commercial nations. Under these circumstances he thought that it was material to consider what would be the effect of the admission of the proposition of the hon. Gentleman upon the distribution of labour, the investment of capital, and upon the commercial negotiations now pending. The hon. Gentleman had admitted that the effect of his motion if carried would be not only to damage, but to destroy the commercial negotiations now in progress. It would, in fact, render them ridiculous. The hon. Gentleman did not allow for the political dangers attendant upon the adoption of such a course. In fact, he supposed that he did not believe that the House would adopt his measure, and that he had brought it forward merely for the purpose of discussion. He did not blame the hon. Gentleman for adopting such a course; but the hon. Gentleman could never have proposed that by a vote of this House the executive government should be compelled to send by the next mail a circular despatch to their agents, and representations abroad, wherever commercial negotiations were going forward, and announcing to them that they had nothing to do but to state that these negotiations had been broken off. Surely the hon. Gentleman would admit that the polity of nations would be grievously offended by such a course. Neither he could not put out of view the commercial effect which would be occasioned by the adoption of the hon Gentleman's motion. The hon. Gentleman stated that he thought that no contemplated reduction should be postponed on the ground of pending negotiations: that was to say, that no remission of duties should be used as an instrument for securing from foreign powers arrangements beneficial to our commerce. That was the hon. Gentleman's proposition. He proposed to deal with every article in the same manner. Now he (Mr. Gladstone) would deal with every article according to the peculiar circumstances of the case. Some commodities were articles of the greatest importance to the comforts of the people, whether as consumers or producers. Other articles, again, were articles of luxury, on which a duty was levied with difficulty, and which was not evaded by smuggling. He contended that the case of these articles of luxury was different from the case of articles of necessity and of production. He admitted that upon the former class the imposts should be as much as possible reduced, but they should not be placed in the same category with the latter. The facility of smuggling was an important element in the question of what classes of duties should or should not be removed. They had had taxes on articles which it was found impossible to levy. For instance, upon lace and watches. By the tariff, the taxes upon the latter were reduced to 5 per cent. It was not attempted to make the matter a subject of negotiation. It was a hopeless duty. The great object of the Government, then, came to be, to get some revenue from this source rather than none at all, and to snatch from the smuggler that which belonged to itself. Again, take the case of wine. On that article, a large duty was levied, and that duty was perfectly compatible with a large consumption. The article was one consumed by the rich; the necessity for, or want of wine was not felt by the poor, and the duty was never evaded by the smuggler. Now, he contended that the article of wine was placed in extremely different circumstances from such articles as hemp or flax, or any articles which were the raw material of manufacture, or were in universal use among the people. Different modes of treatment should be applied to articles so circumstanced. Yet the hon. Gentleman maintained, that all these classes of articles should be included in one sweeping proposition, and that the reduction should be made at once, and without reference to the proceedings of foreign countries. There was another point on which he wished to say a few words. The hon. Gentleman had said, that while the West-Indian proprietors took care to have the privilege of selling their produce at prohibitory prices; that they also managed to avail themselves of the cheap sugar of the Brazils or Cuba, refined in bond in London, and then sent out. Now, the West-Indians were not guilty of any such gross inconsistency. They had made attempts in many islands, and succeeded in some, to impose the most enormous duties upon the importation of Cuba or Brazilian sugar, and he was quite sure that the hon. Gentleman would therefore see that there was really no foundation for the charge. [Mr. *Ricardo*: It had been made in an extract which he had quoted.] He had understood, that the hon. Gentleman had given the statement his sanction. But now, according to the abstract question of the application of the principle of the resolution, he would take his stand upon these grounds. The commercial negotiations to which allusion had been made, had been begun with many nations. They were experiments in the course of being tried, and the hon. Gentleman could not deny but that the pursuing of such negotiations, if they were successful, produced a still greater advantage than would be effected by the adoption of his principle. Suppose, that we induced foreigners to take our manufactures at moderate duties, at the same time that we took their productions at similar rates, did not the hon. Gentleman see that two benefits were gained instead of one? Therefore the state of the law on his own showing, afforded us the prospect of gaining two advantages, where otherwise, and by the adoption of his course, we could gain only one. Now, he did not think that this House, or the people of England were so fond of a mere abstraction, even though an abstract truth with respect to a complicated question of commerce — that they would be satisfied with merely adopting a dogmatic doctrine. The hon. Gentleman had quoted the opinions of Mr. Deacon Hume in his support. These opinions had been stated in 1840, and Mr. Deacon Hume was then in the Board of Trade. That body was then engaged in negotiating a system, to the principle of which the hon. Member objected. He might remark, however, that he was not aware that Mr. Deacon Hume had carried his opinions to the extent to which the hon. Gentleman seemed to suppose that he meant. But on the occasion to which he was alluding, the Government were trying to enter into a commercial treaty with France. But it might be said, that France was an exception to the general rule—that it offered a great market, and that was of the utmost importance that friendly political relations should be kept up between us and that country. But that was language which it would be impossible to hold to other foreign countries. They could not make offers to France upon this principle, and say to another country we will not enter into similar arrangements with you. No one could say, that the issue of the negotiations pending might not be beneficial. It was true, that with respect to this matter, the hon. Gentleman had chosen a favourable evening for his motion. The state of negotiations with Portugal had been fairly announced, but he did not repent of that negotiation, notwithstanding the inconveniences which it had given rise to. He was sure that if the negotiations had done nothing else, they had given a deadly blow to the prohibitive system in Portugal, and strengthened the hands of those who were opposed to it. He confidently expressed his opinion that the negotiations would not be without their fruit, even although the treaty expected from them should not be concluded. How did they stand at present with foreign nations? Take the case of France. Some time ago reductions were proposed in the import duties on

French wines and brandies, and a change was likewise intended to be made with respect to the silk duties. On the other hand, the French government promised a reduction on many important articles in the manufacture of which not only the capital, but the productive industry of this country was invested. Well, on the one hand, the French manufacturers were up in arms maintaining their protective theories—narrow and exclusive as they might be—but there they had them opposing the progress of commercial arrangements; while, on the other hand, the very fact of the negotiations having been entered into gave them this advantage that they had thereby acquired the support of organized bodies who favoured these negotiations, and approved of their objects. The Chamber of Commerce of Lyons had come to a resolution, not in favour of the unlimited adoption of free-trade, but to a resolution in favour of the proposed treaty with Great Britain. The wine-growers of France were anxious for the adoption of the proposed treaty, as were the wine-growers of Portugal anxious for the adoption of that with their country. Thus, by means of the regulations set on foot for the purpose of establishing these treaties, they had the advantage of gaining organised bodies to support arrangements which they believed would be for the public benefit, instead of trusting to the gradual advancement of the principles embodied in those arrangements, among the general mass of the people. They could not but expect that such an advance would be a slow one. What was everybody's business was nobody's business. They required a body which would feel the immediate effect of any proposed change, actually to support or resist it. As the noble Lord opposite had said in making the commercial propositions of the late Government, but whether correctly or not it was not for him then to inquire, "We have committees, resolutions, and combinations of all kinds against us, and with us we have nobody but the people." For the people might have great interest or rights at stake, but they were not so easily awakened to the importance of a subject as those who had a direct personal interest in it. And, therefore, he thought that it was a most material advantage in their negotiation with foreign countries, in order to make them remove commercial restrictions, to secure the assistance of active and interested parties. He contended, therefore, however desirable it might be in the abstract to buy cheap, that those principles were not to take effect, and should not take effect without a careful examination having been first made of the result, they would be likely to produce in the displacement of labour, and in interfering with the course of the investment of capital, of trade, and the exchanges. The proceedings of foreign governments required to be looked to in the course of legislation, and particularly so at a time when they were endeavouring to effect a change in foreign commercial arrangements. These considerations, he thought, rendered the adoption of the resolution before the House highly inexpedient. If objectionable at any time, it was especially so now. The proceedings with respect to foreign nations were of that kind that the credit of the country was staked upon them—when great commercial offers were made by nations, it was to be presumed that they did so with serious intentions. It was assumed that these decisions were not to be changed in a moment, upon the discussion of a night, and he must be allowed to say that he could conceive nothing more unfortunate, under the circumstances, than the propogation of an idea that this country was acting a dishonest part in her negotiations—that she had been offering conditionally what she really meant to give unconditionally, and that she had been representing as a sacrifice that which was in fact an advantage. It unfortunately happened, however, that what they had offered to give up was really a sacrifice. The revenue was a material point, and by the offers which they had made, it would sustain a considerable loss. Taking the article of wine, we offered a reduction of duty which would cause a real defalcation in the revenue, which could not be raised perhaps with so much ease to the people on any other commodity. But here we were met by another observation—"Reduce your duty, and you increase your consumption and revenue." That might be very well as a general principle: but would the hon. Gentleman prescribe it as the general specific for increasing our revenue? The hon. Gentleman quoted the instance of brandy, and said that in 1801 it was subject to a duty of 11*s.* 1*d.*, while it now yielded 21*s.* 4*d.* Now, he asked the hon. Gentleman, would he seriously recommend, in order to get the same amount of revenue as in 1801, to reduce the duty one-half. [Mr. *Ricardo*:

Yes.] If that were the opinion of the hon. Gentleman, he was glad the management of the revenue of the country was in other hands. He should not have had the boldness to challenge the hon. Gentleman, looking at the wild nature of his motion, but he was satisfied that if the hon. Gentleman had the responsibility of Government on his shoulders, even he would be more slow than his avowal would seem to indicate, in reducing the amount of revenue. The hon. Gentleman said, that the remission of duties should not be postponed on account of commercial negotiations. Would he, therefore, argue, that because the negotiations had fallen to the ground, the duties should be reduced to the amount contemplated when they were pending, and that at a loss to this country? Why, if such a change were made without looking for a substitute—without asking whether the same amount could be raised in any other manner so easy to the people, it would be carrying on the work of legislation blindfold. He contended, that however desirable it might be to buy in the cheapest market and sell in the dearest —however natural it might be that the amount of exports should increase our imports, it would be extreme folly, bordering on absolute madness, to abolish our duties while negotiations were pending. The people of this country were not favourable to abstraction in political science, or in commercial regulations. The right hon. Gentleman the late President of the Board of Trade, whose judgment carried great weight with it, and who was present in the former part of the evening, had, he thought, indicated his unpreparedness to support this motion by leaving the House. He thought he had a right to state that, as showing that Gentlemen who were practically disposed, as that right hon. Gentleman certainly was, to assist in the removal of commercial restrictions, did entertain the gravest doubts with respect to this sweeping proceeding of the hon. Member, in which, if the House involved itself, it would find the effect would be the creation of embarrassments that would prove beneficial neither to the employment of capital, nor the industry of the country. He trusted, therefore, that the House would not scruple to give a negative to the motion of the hon. Gentleman.

Viscount *Howick*: I cannot help thinking that the right hon. Gentleman, throughout the whole course of his speech, has laboured under a misconception of the real object of the motion—a misconception I am the more surprised at, considering his acknowledged and distinguished talents. The right hon. Gentleman began his speech by saying that the effect of the motion of the hon. Gentleman would be the immediate sweeping away of all restrictions, without regard to the vested interests of labour and capital in the country. I ask whether it be possible to conceive a motion more carefully worded with a view of obviating this very objection? For what is it that the hon. Gentleman asks the House to do? Why, simply to declare its opinion that it is not expedient that any contemplated remission of import duties should be postponed with a view of making such remission a basis of commercial negotiations with foreign countries. Sir, if the House should adopt the resolution proposed, and if the Government should assent to it, it will still remain in their breasts and be called upon practically to apply it to determine what reductions of duty are advisable with reference to our own interests, and paying a regard to the interests of the consumer, the producer, and the revenue. The Government would still be at liberty to enter into all these considerations, in deciding as to the extent and nature of the reductions of import duties which it may be advisable to effect. All we should have decided by carrying the resolution would be that with respect to those reductions of duty which her Majesty's Goverment may determine to be in themselves desirable, then the House in effect would say, "Do not postpone those measures, which we consider to be so advisable for our own domestic interests, whilst you are conducting a miserable system of haggling and bargaining with foreign nations." Over and over again the right hon. Gentleman called this an "abstract resolution," and asked the House not to adopt such an "abstraction." Now it really appears to me that if ever there was a motion which avoided pledging the House to mere abstract theories, it is that before us. Let me just remind the House of the position in which we stand on this question. We are no longer, I am happy to say, called on to establish principles as to which much difference of opinion prevailed a few years ago. We have made great progress of late, and are now generally agreed as to some most important points. We all agree in the opinion expressed by the right hon. Gentleman at the head of the Government, "that it is our interest to buy in the cheapest market and sell in the dearest." And there are few hon. Members who do not concur in the sentiment expressed by the right hon. Secretary for the Home Department, that "the principles of free-trade are the principles of common sense." With these opinions the great body of the House, on both sides, coincide. There are a few Gentleman indeed who entertain different views; but even those who support what they call protection, and I call monopoly, endeavour to make out some special grounds for the measures they support, and seek some decent disguise for the old prejudices to which they yet cling, no longer venturing in opposition to the general sense of Parliament, advocate as generally sound those doctrines which I am old enough to remember were once paramount in this House. The question is really reduced to this—how far it is safe to go in removing legislative restrictions on trade, and what is the mode in which we can proceed with the best chance of benefit to all parties? It is now settled that unrestrictive intercourse is desirable, and the question is, what is the safest and most practicable mode of arriving at that result? Now, Sir, I think, with reference to these considerations, the question brought before us by the hon. Gentleman is of the greatest importance; because undoubtedly it is a notion which very generally prevails, even amongst gentlemen who are favourable to the policy of free-trade, that we should not abolish our high protecting duties unless we can prevail on other nations to proceed on the principle commonly termed one of reciprocity. For myself, I confess I entirely dissent from that principle; and I am, therefore, most grateful to the hon. Gentleman who has brought forward this question with remarkable ability and clearness. I think he submits to the House the practical question—all being agreed that it is desirable that trade should be relieved as well from our own laws of restriction as those of foreign countries—is it the best mode to adopt, in order to arrive at this result, to make the removal of your excessive duties on importation a matter of negotiation, or will you, without waiting for the decision of foreign countries, proceed to take the lead and make the reductions you think safe and desirable in your own duties without reference to what they may think proper to do? This is eminently a practical question, and in the present state of the country it is most desirable it should be solved. I, for one, certainly agree in the opinion that commercial legislation ought not to be made dependent on that of other countries. We should consider what is best for the people of this country, being guided in the imposition of duties by no other consideration than this—what duties are necessary to raise the revenue, regard being had to the exigencies of the public service, with the least possible pressure on the people. Now, as to the other course, of making every reduction a matter of negotiation, experience has not hitherto been in favour of it. Gentlemen of great ability on the opposite side, and a noble Friend of mine, not now in his place (Viscount Palmerston), have endeavoured, with a perseverance, ability, and ingenuity worthy of the highest praise, to effect this object by negotiation, and induce other countries to arrive at a system of more commercial freedom. And what is the result? Have they gained anything in attempting by these means to bring about so desirable a result? The right hon. Gentleman tells us to-night that the two pet negotiations with Brazils and Portugal are ended—the game is up, and our negotiator has packed up his cards and retired. With France and Spain, it is true, there is no intimation of an immediate termination to our negotiations, but at the same time, there is no outward and visible sign of our approaching any satisfactory result. On the contrary, since these negotiations commenced, France has imposed new duties, and onerous duties on our yarn which has produced no slight feeling amongst the manufacturers. And this, unhappily, is not the only result. It is not merely that we have gained nothing in the way of arriving nearer to free-trade; on the contrary, we are worse off in that respect than we were before, and that is not all—far from it. The right hon. Gentleman who has just sat down admitted freely the truth of what was stated by the hon. Gentleman, that the doubt existing as to the result of the negotiations with Portugal had been attended with the greatest inconvenience; that it had injured the revenue, and paralysed the trade in wine; and that the indirect effects of it had been felt by other trades which were connected with the trade in wine. Even constituents of my own have applied to me, being extremely anxious to know when the matter will be settled; because, while it is in doubt and uncertainty, no wine-merchant can safely take wine out of bond, as he may subject himself to a loss should a sudden reduction in the duty take place. The consequence of that is, that the bottling of wines is entirely at a stand, and the stock of bottles has so accumulated that the bottle-makers are obliged to discontinue the manufacture. In many other cases, effects are produced, injuring trade in consequence of the expectation of future reduction of duty. Nor is this all. Not only have you caused all this inconvenience to trade and loss to revenue, but at the same time the progress of this negotiation is necessarily attended with increased irritation, both with respect to the countries with which we are treating, and others. The hon. mover put that argument very strongly, and the right hon. Gentleman, (as persons in office are apt to do with an argument which is difficult to answer) glanced over it very lightly. It is notorious that the effect of our negotiations with Spain has been to cause great irritation throughout France, and such in all cases is the consequences of these negotiations to confer and obtain particular advantage. The right hon. Gentleman, however, argued that, though our negotiations were not attended with any advantage, they had been by no means unfavourable to this country. He said—

> "It is true we have failed for a moment in obtaining commercial treaties with Portugal and France, but we have raised up a party in each country strongly in favour of our views, who will never cease their efforts until they obtain freedom of trade."

I do not see that the agitation of these questions in France and Portugal can be of the smallest use to us until it is successful. And hitherto, so far from the demand for free-trade being successful, the contrary opinion has been gaining ground. And, for my own part, I am persuaded that these very interests would be more powerfully exerted in our favour if we led the way in remitting our duties, and took out of the mouths of foreign governments the argument, "Oh we cannot forego our revenue, when the English Government is so unreasonable in its demands." But of all the inconvenient results of this system of negotiation, perhaps, the greatest of all is, that, when we have offered a reduction of duties, which upon domestic considerations, we may think highly advisable in return for concessions on the part of other countries, and they have refused, and the negotiations are broken off, it becomes extremely difficult to act for ourselves, and we can hardly make unconditionally reductions which we have said we will not grant except as a boon for reciprocal concessions by other parties. The right hon. Gentleman opposite (Sir R. Peel) it is true held rather different doctrines last year. He then distinctly said—

> "Make every possible effort to obtain reciprocal advantages from other countries; but if you fail, you should not refuse to buy in the cheapest market and sell in the dearest, for the purpose of punishing other countries."

I quite agree with the right hon. Baronet, but if we once cause this to be known —if we once allow foreign nations to entertain a well-founded suspicion, that when we are offering concessions upon certain conditions, they have only to show a little obstinacy and patience in order to get those concessions from us unconditionally, there is at once an end to our power of carrying on any such negotiations with effect. For instance, negotiations have been carried on with Portugal, and the right hon. Gentleman has stated that he had intended if he could have obtained some corresponding concessions from that country to make a considerable reduction of the duties on wine and fruit. Such a measure, I believe, both upon financial considerations, and with a view to the interests of the consumer would be extremely advisable. But the very fact of having entered upon these negotiations, and then been forced to abandon them, to a great extent debars us from the possibility of making these reductions for a considerable time; because, having broken off the negotiations with Portugal, if we were within a year, or even a longer period, to make unconditionally those very reductions about which we have been bargaining, the moment we did so, France and Spain, and other countries would say, "We now understand the policy of England, it is to try to get a great deal; but stand firm and you will get all you want in a little time without making any concession in return." Therefore the line of policy chalked out by the right hon. Baronet last year was one that was practically impossible to be followed. The right hon. Gentleman has also argued that when we are making these offers to foreign countries we are not making them merely as advantageous to ourselves. He said that we were making real concessions. First, as to the wine duty, he said we should be making a *bonâ fide* sacrifice of revenue, and the right hon. Gentleman doubted if we should be able to raise the same amount of revenue in any other way with so little burthen to the country. If that argument be true, and the present wine duties are the least onerous mode of raising that amount of revenue, I must object to altering those duties, not in reference to the domestic interests of the people of this country, but in compliance with the wishes of other countries. I deny that by such a remission we can gain anything to counterbalance that loss of revenue, if the case really is as it is represented. My own conviction is, that duties should be imposed in reference only to domestic interests, and for the single purpose of raising with the smallest possible amount of importation the revenue required for the public service. Some consideration, of course, for vested interests, should be had in any changes we may make, for where an interest has grown up here, it should be treated with great tenderness. But this would be found practically to interfere little with the carrying out of the general principle, for when we look carefully into the position of the persons having those interests, we discover, as in the case of the landowners, that they would not lose by the adoption of measures calculated to promote the general good. Hitherto we have vested on a very different principle, the whole of our commercial policy rests on the assumption that our export trade is more valuable than our import trade. It is impossible to look at the subject with any degree of attention without at once seeing that the whole fabric of our commercial negotiations rests on this assumption which is a complete delusion. It is the remains of the old doctrine of some hundred years ago, that the great object of national exertion ought to be to secure what was termed a favourable balance of trade. The childish notion, as it is now considered was generally entertained, that the only profitable trade was one in which our exports exceeded our imports, by which a balance payable in the precious metals, accrued. In accordance with this view, every nation directed its efforts to increase its exports and to diminish its imports, but now every gentleman of ordinary education has utterly abandoned this theory. It is no longer believed that the supposed balance of trade is the great object of national interest; all are aware that the great advantage of trade consists not in what we send out of the country, but in what we receive. It is the addition which trade makes to the necessaries, comforts, and luxuries of the people that renders it really beneficial. The export trade is valuable no doubt, but it is not as the end, but as the means of paying for the commodities placed at the disposal of the people. I am sure the right hon. Baronet at the head of the Government agrees with these propositions. But if this is a sound and correct view of the advantages of trade, let me ask what could you suffer by removing your exorbitant duties? The only damage which you can suffer from other countries maintaining their restrictive code is, that your means of importing are lessened. Suppose France maintains her anti-commercial policy, while you admit her goods at a low rate of duty, all that happens is this, that it is possible your revision of duty may be inoperative. And for fear they should be guilty of the monstrous absurdity of restricting your means of importation, you take care, by a thumping duty, to stop directly that importation which foreign countries can only indirectly stop. This is an argument which those below the gangway may consider it easy to deal with, but which I really do not see how the right hon. Gentleman, agreeing as he does with me in the principles of free trade, can get over. I know these abstract arguments must be wearisome to the House, but I hope I shall be allowed to trace a little more accurately what would be the practical result of our adopting the policy which I recommend. Suppose we were to make a large remission of duty, leaving it to other countries to follow our example or not as they should think fit, what would be the effect of such a step? Suppose the right hon. Gentleman were to give Portugal all the advantages of the reduced duties which were offered her, and that she should continue the duties on her side as they now are, what would be the result. In the first place, in this country the revenue would, I have no doubt, in a very short time recover from an immediate defalcation, and in the meantime the consumer would gain very largely. In fruit, I have no doubt that a very large and important trade would spring up, greatly to the benefit of our own consumers; but should we have nothing more? I contend that we should also have, most undoubtedly, a corresponding increase in the activity of our export trade, whether Portugal made any of the reduction of her duties which we have asked for or not. This, I think, is easily made out. It is quite clear, that every merchant who imports a pipe of wine will have a bill drawn upon him for the value, and whatever may be the total amount of the importations, the same would be the amount of the bills drawn in Portugal upon the merchants here. If, therefore, the increase of the importation of Portuguese wine and fruit were 10,000*l*., 100,000*l*., or 1,000,000*l*., there would be a corresponding increase in the amount of the bills drawn by Portugal upon this country. For these bills the merchants must provide, and how? If the trade with Portugal increase in the exports, whether legal or illegal, in the same proportion as the importations from that country, there will be no difficulty, the matter will be adjusted; but assume that it is not so—suppose there is no extension of the export trade—there would be an immediate demand upon this country for payment by bills drawn in Portugal; the consequence would be, that if there were any other country in which the trade with Portugal was in a different position from this—from which Portugal received more than she supplied in return—from that country, the interest of the bill-brokers here would very soon induce them to obtain bills upon Portugal, and to those countries British manufactures would be sent instead of to Portugal. But admit that this would not be done—what next? The moment that the bills upon Portugal rose to a certain premium, and that in these days of steam intercourse would not be very high, gold and silver would be sent to discharge them—but this gold and silver we must get from other countries — we must pay for them, which we can only do by exporting the produce of our industry; and thus the transaction would resolve itself into an indirect instead of a direct payment. The consequence would be that we should send our manufactures, not to Portugal, but to South America, while Portugal would not be able to keep the bullion thus received from us to a larger amount than her wants require, but would be forced to send it to some other country; very likely it might be used to carry on a smuggling trade with its neighbour, Spain. It is impossible that the ingenuity of man can point out any different operation; but, then, how will Portugal be affected? because that is a most material consideration. The moment the importation from Portugal increased, the power of the Portuguese people to consume British manufactures would be increased in the same proportion. Their means for paying for those manufactures would increase also, and with that—as I believe the taste for British manufactures is not wanting—I am persuaded that a great demand for British manufactures would spring up. If that should be so, Portugal would be unable to prevent their being supplied. The feelings and common sense of mankind are so universally enlisted against high duties, that practically it is impossible to maintain them. If both parties concur, if there be the same folly on both sides, it is more difficult for trade to force itself up; but if one party open its ports freely, and increase the facility of a return trade, and the country which wants to pay its debt deals in the articles easy of conveyance, as is the case with this country, instead of agricultural produce which we receive from other countries, it is utterly impossible that extravagant duties can be maintained. We have proofs that goods, for which there is a strong demand, and for which extravagant duties are payable, will, in some way or other, be brought in. Smuggling is the invariable attendant of high duties. A pregnant proof of this has recently been furnished in the history of the Custom-house frauds. God forbid that I should for a moment attempt to justify the parties implicated in those proceedings—either those who tempted the Custom-house officers to betray their duty, or the officers who yielded to that temptation; but whilst human nature continues what it is, if the temptation to commit fraud be very great, it will not always be resisted. Another illustration of the truth of this remark may be found in the recent increase of illicit distillation in Ireland. Our whole financial history shows that exorbitant duties are invariably made the subject of fraud and evasion, whether they are applied to tobacco, spirits, lace, gloves, or any other article. The desire of mankind to evade high duties will always prove too strong for legislation. If we experience this difficulty—if it be too powerful to be surmounted even by this country, is it, let me ask, likely to be overcome by other countries less favourably circumstanced? Have we no peculiar advantages in this respect? Without speaking with undue pride of our own country, may we not be permitted to say, that it possesses facilities for the collection of Custom-house dues beyond those enjoyed by any other nation. Look at the stability of the Government which has endured for so long a series of years—look at the large class of educated men who are, as it were, trained to the public service and employed in enforcing the laws—consider the high standard of public morality in this country, and the very different notions which are entertained here respecting the culpability of taking bribes, and giving in to other unfair practices of that description, from those which, without offence to other countries, I must say prevail abroad—looking at the rate of pay and pensions to officers in this country, and the great establishments which the magnitude of the revenue makes it worth our while to maintain, taking these things into consideration, if we cannot prevent the smuggling which is induced by high duties, how is it possible that foreign states can effect that object? Why, to maintain such an establishment as our coast blockade, would nearly exhaust the revenue of a country like Portugal. All our precautionary measures, however great as they are, are ineffectual for the prevention of smuggling; and we find that, for a premium of ten, twelve, and, in some cases, twenty, per cent., any duty can be evaded. It is perfectly notorious that a person may buy any quantity of jewellery at Geneva, and have it delivered at his house in London for a certain per centage; and no payment will be demanded till the goods are delivered. This being the case, I ask whether other countries can maintain the system of exclusion more effectually than we do? I am persuaded that it is impracticable, and that the efficiency of foreign tariffs arises as wholly due to our own prohibitory measures. I have already stated, that if we had free commercial intercourse with all the world, we should experience no difficulty in paying for any amount of goods we might purchase; in fact, the difficulty we know from experience is all the other way, except in the corn trade, where the unhappy influence of the sliding-scale will stop importation for four or five years, and then introduce at once a quantity which we have to bring from the continent at a cost of 5,000,000*l.* sterling. We never find any difficulty in providing means of payment for any goods we purchase. Any merchant will tell you that the difficulty is all the other way. There exists in many parts of the world the strongest desire possible to purchase our manufactures, but our merchants with all their ingenuity, can find no mode of realising returns for their goods. This is the state of our trade at the present moment, and it clearly points to the necessity of adopting a different course from that which has been followed of late years. That is the object of the hon. Member's motion, and therefore I will give it my support. Before I sit down, I will notice only one more argument which was advanced in the speech of the right hon. Gentleman the Vice-President of the Board of Trade. The right hon. Gentleman said, that the hon. Member for Stoke-upon-Trent, had overlooked what would be the political effect of his motion. I think the right hon. Gentleman's words were, "After having entered into negotiations with foreign countries, to which we are pledged to a certain degree, would it be courteous to send round a circular to all our ambassadors to announce that we had abandoned all the propositions we had previously made?" That is an ingenious way of putting the question; but, I think, it is a singularly unhappy one, considering what has passed to-night. When the right hon. Gentleman talked about the motion putting an end to our negotiations with foreign countries, he ought to have remembered that very little was left for it to do in that way. The negotiations on which the Government prided itself are pretty well disposed of already. The negotiations with Portugal and Brazil—the only two which showed any signs of vitality—have, according to the declaration which the right hon. Baronet made this evening, been knocked on the head. The present moment, when all our hopes of successful issue of any of our negotiations are melting away is appropriately selected for the motion. There would have been something in the right hon. Gentleman's argument if foreign countries had acceded to our propositions, and we had then turned round and told them, "we will not agree to what we proposed." But the case is exactly the reverse; they have rejected our overtures, and we should be perfectly justified in saying to them, "We think you unwise; but your want of wisdom will prove more injurious to yourselves than to us, and therefore we now freely and gratuitously make the concession for which we before expected an equivalent.' If we lay down the principle that we will settle our duties according to the view we take of our own interests, and will leave other countries to do the same, no foreign power can have any cause to complain. I am firmly persuaded that by adopting this honest, this manly course, we should raise our character in Europe, and set an example which would be speedily followed, and the result would be, that in a few years the hostile tariffs, of which we are now so much afraid, would cease to exist amongst the great majority of foreign nations. This, I am persuaded, would be the result of the adoption of the policy recommended in the motion of the hon. Member for Stoke-upon-Trent; and what shall we have if we pursue a different course? I ask the House merely to look at the position in which we stand. For years the ablest men of the two great parties in the country have been fruitlessly employed in negotiations, the most important of which have just been broken off, and the longer this course is pursued, the more hopeless appears to be the chance of coming to a settlement, because the question becomes more complicated by the private interests which are affected, and by the hopes and expectations which are excited. Looking to these circumstances, and to the jealousy which foreign nations naturally entertain of our commercial pre-eminence, and their fear of being overreached by us, can any rational man believe that negotiations for commercial treaties in future years will prove more successful than they have been in the past years? For my part, I am of opinion that the records of the Foreign Office on this subject are full of misapplied ingenuity and laborious trifling, and it would have been better if nine-tenths of them had never been written. I fear that from the sentiments which I have expressed, that the right hon. Gentleman opposite will impute to me the same rashness which he attributed to the hon. Mover. Under that imputation I am willing to rest. I believe that the time has come when it is the duty of every Member of this House to throw aside those conventionalties of expression to which we are so much accustomed, and boldly to declare the opinions which he really entertains. In the awful condition to which this country is reduced, I think it is the wisest, safest, and, I will add, the most cautious policy to act boldly and manfully on general principles, of the truth and soundness of which we are convinced.

Viscount *Sandon* observed, that the evidences of misapplied ingenuity and laborious trifling to which the noble Lord had alluded, must have been the work of the noble Lord, the late Secretary for Foreign Affairs, as the present Government could have had no time to accumulate anything of the sort. That noble Lord had meddled largely for ten years with such negotiations, and his success had certainly not been such as to give credit to that mode of proceeding. The noble Lord, who had just sat down, would, no doubt, be very zealous for the extension of the commercial relations of the empire; but the course proposed by the hon. Mover, and approved of by the noble Lord, was one that would deprive the Government of one of the most powerful instruments in effecting their object. Not only that, but the question what duties should be kept on, and what duties should be struck off in respect of foreign productions, it was often not only a material element, but in fact the deciding consideration, whether a reduction could be made the instrument of inducing foreign countries to admit the manufacturers of this country into the countries, from which those productions were imputed. What other consideration, indeed, than this, could be the inducement to make to Portugal the sacrifice of several hundred thousand pounds of revenue for the duties on wine? But for an equivalent in the increased exportation of our manufactures, that clearly would not be the tax the most important to reduce; the duties on cotton, on wool, on various other articles on their own merits, would have a decided preference. But with an equivalent in the shape of an extended market for our manufactures, that reduction must fairly claim a preference. Negotiation, therefore, in such a case, was a necessary ingredient in such a question. The merits of one reduction or another could not be decided without it. But did the noble Lord really think, that if, with the powerful instrument of an offered advantage in our hands, we had been thundering in vain at the doors of foreign nations for the admission of our manufactures, it was likely that we should obtain our object, and that the doors would fly open when we had thrown that instrument away? It was constantly assumed as an undoubted fact, that foreign nations were anxious for free-trade, and would at once agree to it if we set the example. He denied, that we had the slightest ground for such an assumption,—on the contrary, experience showed the temper of foreign nations to be quite the reverse. The more we had advanced towards free trade, and the more political liberty had progressed in foreign countries, the more had local prejudices and interests increased in power and influence, and the more successfully had they opposed the introduction of any manufactures which interfered with their own. These assumptions rested on no solid experience. Every step of this country in her commercial regulations, for a long time past, had been towards free-trade and in favour of relaxation; but what had been the consequence? Had our example been followed by other nations? No; on the contrary, every step we had made towards relaxation had raised up some fresh barrier on the part of foreign nations. Our relaxations of last year had been met by six hostile tariffs on the part of foreign nations. Another fallacy constantly put forward, was, that all imports were paid for in manufactures. He denied that such was the case. On the contrary, vast quantities were occasionally paid for in gold, to the great derangement of our circulating medium, and the injury of the many interests in this country. The balance of trade with the United States at this moment was against us, and we were now making large remittances in bullion to that country. Nay, when speaking of foreign countries, hon. Members were very apt to lament the injury inflicted on them by our refusing to admit any portion of their productions, the sugar of Brazil or Cuba for instance; it was only when speaking of our own manufactures, that it became a matter of indifference, whether there was to be a mutual exchange of products or no. His objection to such a motion as the present was that it allowed the Government no option with respect to the arrangements they might think it desirable to make with foreign powers. The present Government had certainly shown no indisposition towards a relaxation of the import duties; even independent of negotiation, they had proved this by the tariff of last year; but the hon. Member would deprive them of the power of making such arrangements with other nations as would secure, in other cases, proper facilities to our manufacturers. There were two ways of reducing import duties, one with the other, without reference to the duties imposed on our manufactures in foreign countries. The one may, no doubt, secure to the consumer the article at a cheaper price; but the other, while it cheapened the article consumed by the reduction of the duty, would over and above secure the admission of our produce into the country benefitted by the reduction of the duty upon its produce, and thus procure an advantage to the producer of this country as well as the consumer. Surely, if attainable, this was the more desirable process of the two; and it was because he did not wish to see the power of effecting that object taken out of the hands of the Government that he should oppose the motion of the hon. Member.

Lord *J. Russell*: The noble Lord who has just addressed the House, has incidentally revived a theory which I thought had been long since exploded. I allude to the theory of the balance of trade, but I must say, that the noble Lord has, to my mind, failed to produce any convincing refutation of the arguments of Adam Smith on this point, which, I confess, have always appeared to me to approach as near to demonstration as any reasoning on a question of political economy possibly can do. The noble Lord also observed, that the relaxation of our commercial restrictions which we made last year, did not lead to the adoption of similar measures by foreign countries; but that, on the contrary, six new tariffs of a hostile character were immediately afterwards issued against us. I cannot tell exactly for what reason the noble Lord adverted to that fact. Did the noble Lord intend to show, that the relaxation we effected last year was unwise—that we ought no longer to continue in that course, but should go back to the system which previously existed? If the noble Lord's argument is good for anything it is good for that. One remark, however, I must make to the noble Lord, as I have before made it to the House, and it is this—that although in 1842 the theory of free-trade was brought forward here, and supported by the Government and by a great majority of this House, and advocated in the eloquent speeches of Members of the Government which proposed it, yet it is probable that the governments of foreign countries, in adopting the hostile tariffs to which the noble Lord has referred, had in view the doctrines preached, not in 1842, but in 1841, in conformity with which, the House of Commons, by a majority, refused to consent to any relaxation of the prohibitory duties on foreign sugar—in conformity with which they refused to consider the question of a relaxation of the Corn-laws, and in the opinion of a great number of people in the country (it may be that they are simple and deluded people), established as the opinion of the majority of this House, and of the great leading party now in possession of the government of this House, that the maintenance of restriction, prohibition, and protection, was a wise policy. I say it is very likely, that foreign governments, adopting the doctrines which were propounded in this House in 1841, had previously resolved upon these six hostile tariffs before we made the relaxation of our restrictive system last year. Passing from the arguments of the noble Lord, I conceive the question before the House to be, whether it is expedient to make any further relaxation of our commercial system with respect to articles of import, the duties on which were left untouched by the tariff last Session. We all remember that when the tariff was under consideration, the right hon. Baronet at the head of the Government said he had excepted from the operation of reduction certain duties which he did not mean to uphold as being necessary to any interest of this country, but which he wished to reserve as objects to be made the subjects of negotiations with foreign powers. I find no fault with the Government for having pursued that course. The Government which preceded the present, and to which I had the honour to belong, had begun those negotiations with several countries, and I think it was quite natural that the existing Government should wish to carry on the negotiations, in order to see whether any advantageous result could be derived from them, But, at the same time, the right hon. Baronet expressed a strong opinion as to the propriety of making a change in the law respecting those reserved articles of import, whatever foreign countries might do in the way of negotiation; and not only did the right hon. Baronet state that as a general proposition, but he showed practically the mischief resulting from high duties. The right hon. Baronet read a letter, written by a person engaged in what he called the "indirect trade," by which was meant smuggling, who stated that he would undertake to introduce into this country foreign silk manufactures at a premium of from 8 to 10 per cent., and other articles at a duty not much higher. The noble Lord the President of the Board of Trade stated, in another place, that any article of French manufacture could be smuggled into this country on payment of a premium of from 10 to 12 per cent. Evidence was given before the Import Duties' Committee respecting the extent to which smuggling was carried in the articles of French silk and brandy. [Mr. *Gladstone*: Not brandy.] Yes; brandy. Mr. Porter, in his evidence, proved that the entries in the French Custom-house of the export of these articles differed very materially from the imports entered in the Custom-house books in this country. In 1834, the difference in brandies was 1,200,000 gallons. Now if this quantity escaped the customs duty, and was introduced into this country by the smuggler, would it not be worth while to consider whether it would not be better to impose a duty somewhere about 10 or 12 per cent. received by the smuggler, so that our merchants would find it their interest to conform to the law, and no person would be tempted by the very great difference of duties to introduce by smuggling that which might be introduced on the payment of a moderate duty? With reference to this point, I was greatly surprised to hear the right hon. Gentleman the Vice-President of the Board of Trade, express a doubt as to the soundness of the hon. mover's argument, that with a less nominal duty, we should have increased revenue. The proposition is so obvious, that it appears to me almost impossible to contradict it. The principle of the thing is as old as the epigrammatic condensation of Dean Swift, that in custom-house arithmetic two and two do not always make four, frequently do not make three, and sometimes do not even make one. After the truth of this proposition has been established for a century and a-half, it certainly did astonish me to hear a doubt hinted upon the subject by the right hon. Gentleman who is the most eloquent defender of free-trading, and one of the greatest oracles I ever heard in the House on that question. And I would ask, is not the time now come for carrying out principles of which the justice is generally admitted, and admitted by the Ministers themselves? The right hon. Gentleman himself last Session stated on this subject what I consider the true principles of political economy, and I would ask, is not the time come for giving effect to those principles? With respect to the negotiations lately going on with Portugal, with a view to the conclusion of a commercial treaty, we have heard to-night that those negotiations have closed. With respect to the Brazils, the right hon. Gentleman told us in 1841 we ought not to diminish the prohibitory duty on sugar, because a moral consideration was involved in the question; namely, the slave-trade. This point was repeatedly urged against us then, and we were severely censured for not making some proposition to the Brazilian government respecting the slave-trade, before we came forward with a proposal for the reduction of the duty on Brazilian sugar. To-night the right hon. Gentleman has told us the result of his negotiation with Brazil. He has told us the nature of the proposals made to Mr. Ellis by the Brazilian government, proposals which Mr. Ellis very properly rejected, as he had no authority for acceding to them. But what meanwhile, has become of the right hon. Gentleman's declaration relative to the slave-trade? It does not even appear to have been mentioned in the course of these negotiations. The right hon. Gentleman does not appear to have ventured even to lay the subject before the Brazilian government. I may have misunderstood the right hon. Gentleman, but such at least has been the impression conveyed by his announcement. Then what farther moral advantage are we to expect with respect to the slave-trade, from persevering in our present course? And if we have no ground for such an expectation, may we not ask again whether this be not the proper time for reconsidering our commercial policy?—and whether this be not the moment for reflecting, whether it would be better to leave our present tariff untouched, or to apply to it the same sound principles of relaxation which, as the noble Lord tells us, have already been carried into effect with respect to articles of import amounting to 20,000,000*l.* annually. The answer, I know, will be, that you have already adopted this policy, and have only made special exceptions; but the special grounds of those exceptions have now vanished from beneath your feet, and that being the case, the time is arrived when, on your own showing, you ought to apply those general principles, the justice of which you have yourselves admitted. I think, therefore, with respect to many of those articles to which allusion has been made, such as sugar, brandy, silk, and other articles on which high prohibitive duties are now levied, or of which a large portion of the importations into this country are effected through the medium of the smuggler. I think, with respect to these articles, Government should propose some measure of relaxation tending towards freedom of commerce. With respect to particular points, I think the hon. Gentleman who brought forward this motion very properly abstained from entering upon them. He very properly confined himself to the general principles of his resolution. For my own part, I have no wish even that the House should establish any abstract principle, unless I find the Government opposed to those principles. If I hear from the Government that they are considering these subjects, and that they intend to propose some measures, then I shall say, let us by no means fetter the Government by our resolutions. If, however, these principles are to be opposed, then I think the House of Commons ought to be at liberty to consider what course ought to be followed. This resolution binds Government to no relaxation but such as may be for the welfare of the country. I do not say, as the right hon. Gentleman the Vice-President of the Board of Trade seems to argue that any remission of duties should at once be proposed, independently of any negotiation going on with foreign countries. To take the article of wine, for instance. On the subject of wine, I am unable to give an opinion as to what would be the most advisable course. The duties on wine have been altered so much that the differential duties formerly existing between the wines of France and Portugal have been entirely got rid of. The consequence of that alteration has been an increased revenue; but I am quite unable to say whether a farther remission would bring about a still farther increase of revenue. The question, however, is one that ought to be considered; and the right hon. Gentleman the Chancellor of the Exchequer has the means at his command of investigating the question. If he finds that he can safely carry the remission of the duty on wine farther than it has yet been carried, the course ought to be determined on at once; if, on the contrary, the right hon. Gentleman has grounds for believing that no increase of consumption would follow from such a remission of duty on an article consumed by the rich rather than the poor, then I should say that no alteration ought to be made in the duties on wine. With respect to all these matters, this resolution only affirms that you should look into the subject, without reference to any commercial treaty. With regard to the political consideration, though I cannot agree with my noble Friend the Member for Sunderland in his taunts at the arts of diplomacy, still I do believe that we should stand better with foreign nations if we made these alterations without any regard to commercial treaties. To take the case of France, for instance. It is certainly desirable to increase our commerce with that country; but after what we have seen during the last three years, we may rely upon it, that if we succeed in concluding a commercial treaty with France, a great portion of the French people would consider that we had driven a hard bargain with them, and that their Minister had been cajoled into a contract injurious to his country. A blameable subserviency on his part towards this country would be imputed to him by a very large proportion of the people of France, and such an impression it ought certainly not to be our object to produce. If, however we were to adopt such a course on the great principles of trade, as would be understood by all nations, if we were to admit at such fair duties as would effectually counteract the efforts of the smuggler, the principal articles which are the produce of France, we should not find a single person even suspecting us of wishing to take an advantage, and could not fail to conciliate the good will of the people of that country. The adoption of such a system of legislation conciliating the French people, would, in the end, promote our interests more than any terms we might hope to obtain by a commercial treaty. It would in the end do more than anything else, by opening in each country an extensive field for the sale of the productions of the other, to bind the two countries together in mutual intercourse, and would prove the best and most lasting means of preserving peace and good will betwixt them. Although, therefore, I have no wish that a resolution of this sort should be carried, if Government has it really in contemplation to do anything, yet if they mean to do nothing, but rather to abjure the principles which they themselves put forward last year, then I can only say that I shall have much pleasure in recording my vote for this motion.

Mr. *D'Israeli* said that the noble Lord who had just addressed the House had indulged in a traditional sneer against the right hon. Baronet (Sir R. Peel) for his policy with respect to what was called the balance of trade. It had been truly said by Sir Walter Raleigh that what was wrong in the main, might still be right in the detail. Now, he considered that anything that could cause a sudden abstraction of the precious metals from this country must necessarily affect the commercial transactions of the country at the same time. This was a subject which rendered the consideration of the hon. Members motion of the deepest importance. Three years ago they made a very large importation of corn from Germany, at which time the Bank of England had negotiated a loan of money with the Bank of France. They all remembered the effects of that mercantile transaction upon the currency of this country. It was difficult to forget the humiliations that were cast upon them when it became known what were the terms upon which this loan was effected between the two countries. No person could deny the abstraction of precious metals which then took place from England, which resulted in the most serious consequences. Their currency was deranged, prices were generally reduced, and wages fell considerably. A mercantile convulsion had actually taken place. This sudden abstraction of 3,000,000*l*. of their precious metals was a very serious evil. But he would ask if the proposition of the hon. Member for Stoke were agreed to, whether the abstraction of precious metals would not be even much larger than in 1839? This was a subject of consideration totally independent of the balance of trade. It was a consideration that must occur to every person who took an interest in the subject. The noble Lord contended that this abstraction of precious metals did not do much injury to the country. He believed that this was a point which was acknowledged to be one of the highest importance by the greatest economists in this country. This he believed would be the immediate consequence of the policy that was now recommended. It was their duty to inquire what was the opinion of foreign economists upon this subject. There was ample evidence on this point to guide the people of England in their opinions upon this subject. The work of Dr. Listz, and those of a great many other men, referred to the circumstance, and the results of the great importation of corn by England from the continent of Europe in 1839. They alluded to the sudden abstraction of the precious metals, which materially affected their trade and the interests of this country. There was a conviction in the public mind of Germany that if they could occasion an abstraction of precious metals from England in a systematic way, they would raise prices in their own country, and lower prices in this country. He knew that some hon. Gentlemen opposite would say that prices were but a relative consideration, and of itself the subject was of no great importance; but such abstract truisms involved a practical error. He was of opinion that the sudden lowering of prices must deeply affect not only the profits of capital but the most important interests of the country. It was highly important for the House to consider what might be the effect of such a course as was now advised upon their monetary system. Some might say that everything would ultimately find a level. Natural philosophers, who deal with principles, dogmatise, but statesmen, who deal with circumstances, must negociate. It was possible that they might carry on a more profitable trade with less expensive transactions than a trade of greater transactions. No one could deny that as they had relaxed their duties, foreign countries had increased theirs. If they intended to proceed in the course that was now recommended, they should be prepared for a systematic abstraction of the precious metals. He would ask were they prepared for the consequences? He could not conceal from himself—if such principles as these were carried out—there would be a great chance of their revenue being diminished, their commerce deranged, their prices lowered, and the wages of labour considerably diminished. Supposing that these prices were to go on for two, three, four, or five years, before the truth should suddenly flash upon the minds of the Government, he wanted to know if this country were prepared to undergo this ordeal? He wondered what the effect would be if they had even the short experience of three years of these predicted changes? What would be the state of England during the working of this experiment? There would be an immense mass of individual suffering, followed by frequent bankruptcies; all the banks would be broken, the whole commercial system would be in a state of derangement; the revenue of the country would be upheld only by having recourse to the most violent attacks on property. He thought these were events which were more than probable—he thought they were inevitable. But surely there were considerations which were of great importance in viewing the case, which ought not to be omitted. The House was called upon by the speech of the hon. Member for Stoke-upon-Trent to open free ports as against the hostile tariffs of other countries. These were subjects which occupied the minds of continental statesmen, and were of such importance in the economical system of Germany especially, that he was surprised they had not occupied more attention, but which, right or wrong, ought to occupy their attention, if hon. Gentlemen thought of what must ultimately result to the continent of Europe, still remembering however that before that result was arrived at we must be the intermediate sufferers, and perhaps the victims. There was another circumstance which seemed to be overlooked by those who held extreme opinions on these subjects—they were apt to think that the governments of Europe proposed to themselves no other objects in their commercial arrangements than the wealth of nations, and totally omitted from their view one of the most prevailing influences, the political considerations which were always mixed up with industrial habits. Those hon. Gentlemen talked of what they called "vested interests," which were raised and cuddled and pampered with protection, and they said that such an artificial class might do very well for a time, but the system was fallacious, it must ultimately prove ruinous; but at the same time, the public mind they admitted was not enlightened, though a government must see that such pampered manufacture was a losing concern. Such was the case of the cotton manufacture in France formerly, though now no longer the case. As long as pounds, shillings, and pence alone were consulted these gentlemen were right, and a trade so circumstanced must be given up. But hon. Gentlemen opposite seemed to forget that some governments, perhaps, proposed to maintain certain manufactures as the elements of future strength. At this moment there were around the city of St. Petersburg some fourteen or fifteen factories which were worked at a great loss, and the loss was paid, and was cheerfully paid, by the government—it was paid by the government, as ostentatiously announced, to keep those places up as models to stimulate the industry of the country. Whether eventually this principle might be given up by the governments of Europe was a matter of speculation, but until those governments had accepted our high notions of political economy this country was likely to encounter such a transitive state of suffering as would render it impossible to calculate what commercial losses, what financial distresses, and what political catastrophes it might involve. It was impossible to shut their eyes to the effect which years of commercial distress and financial difficulty might have on our political institutions. Admitting the general justice of those principles of public economy which had of late years exercised great influence in those countries, was it not the natural course to adopt the happy medium which was always followed by practical men—that system of reciprocity by means of which, through negotiation, they might obtain those benefits which they all acknowledged in increased commerce, and avoid those dangers that might possibly attend a less cautious and prudent course? This was the wiser system to adopt under any circumstances. If the benefits proposed by the hon. Member for Stoke were merely speculative, more than all, if his principles might lead to great disasters, it followed most satisfactorily that they should take that course which, while it secured all the advantages he proposed, at the same time insured them against the dangers with which they were menaced. There was another circumstance which should not be left out of their consideration. It would be found, that in every one of those countries with which we sought treaties of commerce, considerable interests existed that advocated our policy. It should be remembered, that those powerful interests were founded upon, and existed only in consequence of our commercial system. The Chamber of Lyons, and that more powerful interest the wine interest of France, must sooner or later obtain for us a treaty of commerce with that country; and, if not so advantageous as might have been secured in 1840, it should at least be remembered that it was no fiscal or commercial circumstance which in that instance had operated to our disadvantage. The noble Lord, the Member for Sunderland had treated the right hon. Vice-President of the Board of Trade somewhat unfairly in the reference he made to the speech in which he answered the hon. Member for Stoke. The noble Lord said, his right hon. Friend had misrepresented the object and purpose of this motion; he said, that the motion was a most practical and moderate one, whereas the Vice-President of the Board of Trade had made a speech which was directed solely against extreme opinions. The right hon. Gentleman had answered the speech of the hon. Member for Stoke. The speech of the hon. Member for Stoke was very different from his motion. His motion might be very guarded, moderate, and in the opinion of some, very practical; but it was impossible to dissever the speech by which it was prefaced from the motion which was ultimately submitted. The hon. Member for Stoke did not attempt to conceal his opinions; boldly, clearly, perspicuously, in the most manly way, he announced his adhesion to the most ultra free-trade opinions. The hon. Gentleman had come in like a lion, and gone out like a lamb; but when he gave a programme of his opinions, which was to have its effect on the country, although he concluded with what the noble Lord called a very moderate and practical motion, the Vice-President of the Board of Trade was not bound to confine his reply to the limited and moderate motion, and allow the more general extreme opinions of the hon. Member for Stoke to pass unnoticed. The motion of the hon. Gentleman meant that they should fight against hostile tariffs with free ports and nothing else. For himself, he believed that would be a policy financially of the most disastrous kind; at any rate, there was sufficient evidence before them to prove that its immediate consequences would be tariffs more hostile to England, and under these circumstances, it was not for the hon.

Gentleman who had introduced this motion, or his friends, to say that the opinions they had avowed in favour of what they chose to call "free-trade" should not be replied to. The expression "free-trade," as originally brought into public notice, designated very different principles from those it denoted in the mouths of hon. Gentlemen opposite. It was first used by economists of very great celebrity, in contradistinction to the old colonial system, to mean a large and liberal intercourse—a free navigation from port to port; but hon. Gentlemen opposite attached to it a much more extensive signification, which the original authors of the expression never contemplated. There was obviously some analogy between civil and commercial freedom. A man was not the less free because he was subject to some regulations and taxes; but hon. Gentlemen opposite meant by "free trade" an absence from all restrictions. But really the hon. Gentleman opposite spoke of restriction in the spirit of those of whom Milton had said,—

> "Licence they mean, when they cry liberty!"

A peculiar characteristic of the free-trade school was their total neglect of circumstances—they never took any circumstances into consideration. He had stated that as a consequence of our commercial system powerful interests had grown up in other countries to advocate and enforce our views; if those parties succeeded in their endeavours—if commercial arrangements were brought about, we should immediately have a considerable increase to our trade without intervening danger of any kind; but hon. Gentlemen might rest assured, if they were to be guided by what was said, or what was of more importance by what was written in Europe and America at this moment, they never would succeed unless they took a decided course. If they meant to obtain advantages by negotiation, they must unreservedly announce it, and certainly it would not be long before they attained their end, because the Minister of England who negociated, was placed in a much more favourable position than the minister of any other country. He could say what the minister of no other country could say; he could say to the President of the United States with his hostile tariff. "There is a country belonging to the Queen of England, that, if necessary, can produce illimitable quantities of that cotton of which you boast so much." He could say to St. Petersburgh:—"That very same country, within three months in 1843, has sent ships to the port of London with cargoes of flax, hemp, and tallow;"—and without sending a special mission to Brazil—without the expense of the mission or the mortification of failure, he could tell the Brazilian Minister, "That very same country in one of its vallies produces sugar enough to feed the whole world, and in another district produces coffee superior to that of the Brazils." These were facts, the knowledge of which was not confined within the walls of the House of Commons; they were continually referred to in the political and economical dissertations in Europe; there was not a statesman in Russia or America who was not frightened at the available resources of India. These were the elements of negotiation—as such they ought not to be forgotten, they were the elements of our strength, if we chose to resort to them. He thanked the House for the attention with which they had listened to his observations. He had endeavoured to meet the question fairly. He thought the policy recommended by the hon. Member for Stoke, founded on principles which were utterly fallacious, and, if pursued, it would immediately produce financial consequences of the most disastrous kind by its effect on the monetary system of the country; he thought, that, by adopting the medium course, the principle of reciprocity, they would secure a very considerable share of the advantages contemplated by the hon. Mover, without endangering most important interests; and he thought, the principle of commercial treaties the only one that could be adopted in the complicated state of our relations. If carried into effect, it took its form in that public compact which the law of nations and the manners of Europe had sanctioned. He did not think they could do better in attempting to gain those commercial advantages which they all desired, than adhere to that system of negotiation by means which they could always have recourse to, which were always understood, which if they failed to-day, might succeed to-morrow, and which, while they had to deal with circumstances of varying aspect, must in all civilized communities form the basis of commercial as well as of political and social well-being.

Mr. *Ewart* said, the hon. Gentleman who had just sat down had remarked that foreign countries were increasing in their hostility to British interests, and that this was only to be averted by negotiation. What good, he would ask, had the negotiations into which we had entered yet produced? The hon. Gentleman was bound to show, that negotiation was likely to produce better effects than it had yet done. The right hon. Gentleman, the Vice-President of the Board of Trade, took another course; he said not negociate but retaliate. The right hon. Gentleman used these words:—"Above all things do not abandon the instrument of retaliation," he added that commercial retaliation was the instrument we were to wield against the hostile tariffs of other countries. The right hon. Gentleman was not content with laying down this precept: he proceeded to illustrate it, by mentioning an instance of the practice of retaliatory measures against the King of Naples. But how had those measures succeeded? For four years we retaliated against the King of Naples, by imposing double duties on olive oil coming from that country. What was the effect of this proceeding on our manufactures? There were complaints from all parts of the manufacturing counties. Such was the result at home. What was it abroad? Did we succeed in excluding the olive oil? The only effect was, that the oil which we refused to receive directly from Naples, was sent round by Genoa, and came into this country from an intermediate port, so that this retaliation was itself becoming fruitless. We began by injuring our manufactures, we ended by owning the futility of our own restriction. He thought the right hon. Gentleman was not quite fair in his remark, that his hon. Friend, the Member for Stoke-upon-Trent had brought forward this question without preparation. Circumstances had prepared us for the question; the whole investigation of the subject of the import duties had prepared us for it. The tariff of the right hon. Gentleman at the head of the Government had prepared us for it. The adverse tariffs of Germany and America, the hostility of France and Portugal, had prepared us for the question; we had been prepared for it by argument, by circumstances, by necessity. Seeing the change which had come over the spirit of that House on many points, he did not despair of finding one so renowned for conversion as the right hon. Baronet (Sir R. Peel) adopt more liberal and extended views on this great subject. The right hon. Baronet, it was not improbable, might one day tell the House we must take our own course; the honest advice of Mr. Hume, the Secretary of the Board of Trade, must affect our decision; his twenty years' experience cannot go for nothing; and whatever foreign nations may do, we must do what is best for the people of England. He must say he had heard nothing from any quarter to answer this plain question, why should not nations deal with trade as individuals? Who ever heard of reciprocity dealings, between the butcher and baker, the grocer and the ironmonger? An individual resorted, when he wished to purchase an article, to those who sold the cheapest and most eligible wares, without being fettered in his choice by the useless restrictions of artificial reciprocity. The day was not far distant when this simple rule of common sense would be applied to national interests, as well as to those of individuals. Looking back to former times, they would find that the treaties which this country made in those days were of a much more simple character than those of the present age. Their principal object was to combine two ends, the personal security of the subjects of this country in the dominions of foreign powers, and the security of their property. Such was the treaty called by the Dutch, *intercursus magnus*, mentioned by Bacon as having been concluded in the reign of Henry 7th, for the security of the persons and property of British subjects in Holland. The commercial treaties of later days were often most unfavourable to the objects which they were intended to advance. Such, for instance, was the well known Methuen treaty, long considered a triumph of diplomacy, but now universally admitted to have been most mischievous in its effects on the commercial interests of this country. When Mr. Pitt set on foot his commercial treaty with France—that treaty which might be taken as the model of a commercial treaty, which was founded on the principles of free-trade, and seemed to invite the Legislature of this country to follow the course pointed out in the resolution now proposed — he found the Methuen treaty standing on the very threshold of the negotiation, as the chief and most formidable obstacle to its progress. Experience had sufficiently shown that by making a treaty with one country, you interposed an embarrassing obstacle to negotiations with another country. He was convinced that the feelings of the people in foreign countries were not so adverse to us as they had been represented. In Portugal, the party opposed to English commerce was not so powerful as was sometimes stated, and in France, the principle of free-trade had gained ground greatly in the wine districts. In the United States he believed that the prevailing feeling of the people was impatience of the high tariff which had been imposed on them by their Government. In his opinion, the day was not far distant when there would be a great international movement on this subject, extending throughout the world. He thought it incumbent on this country to set the first example; no step could be more conducive to its interests, or would have more important influence. The debate of this evening, he trusted, would be the commencement of an entirely new system in our commercial transactions. If we consented boldly to throw open our market, and admit the competition of the whole world for the supply of our population, we should be conferring a lasting benefit on ourselves, and setting an illustrious example to other nations. No government would long be able to resist the demand of the people for extended intercourse with other countries. The right hon. Baronet, at the head of the Administration, who had laid down the principle that we ought to buy in the cheapest market, would not, he hoped, offer a very strenuous opposition to the motion. The right hon. Gentleman might leave the question open, he might defer its settlement, but he would finally adopt a policy which the tendency of events and the character of the times combined to render desirable now, and, perhaps, inevitable hereafter.

Sir *H. Douglas* said, as the arguments which had been advanced by his noble colleague (Lord Sandon) had been impugned by the noble Lord the Member for London, on the authority of Adam Smith, he (Sir H. Douglas) begged to quote the opinions of that high authority against the motion brought forward by the hon. Member for Stoke. Adam Smith said, in vol. 2, book iv., chap. ii.:—

> "To impose duties upon foreign, for the encouragement of domestic industry, when burthens are laid upon it by foreign nations (and what foreign nation does not lay burthens upon our industry?), is one of the cases in which it is advantageous to protect, in this way, the home productions. For to lay suitable duties upon the productions of the foreigner who lays burthens upon yours, does not give the monopoly of the home market to the home producer, nor turn towards any particular employment more capital and labour than would naturally go there. It only hinders that amount of those actually engaged, from being turned away into a less natural direction, and leaves the competition between foreign and domestic industry, upon the same footing, as before the protecting duty, so laid and reciprocated."

Now, if it were advantageous to lay duties on the imports from foreign states which imposed burthens on our productions, it follows that it would be disadvantageous to remit those duties, unless the burthens which pressed on our commerce were also remitted. The hon. Gentleman who last addressed the House, had recommended that this country should set the example of the adoption of free-trade principles. He said:—

> "Take the productions of other nations, and they will take yours."

But we had already tried this experiment, first, in 1825; then in 1831, we set the example to the Americans, by lowering the duty on their cotton; and in 1832, we adopted a similar course with respect to some of the productions of France; but the result was, that, while our imports from France were doubled, our exports to that country fell off one-half; and during the last year, while we were relaxing our protective system, other nations were increasing the restrictions on the produce of this country—for, between November, 1841, and August, 1842, six hostile tariffs were adopted by foreign states. ["Hear, hear."] Thus while we were relaxing our tariff, other countries were making theirs more restrictive. There was a time when all parties agreed that there must be two parties to carry out free-trade compacts, as in all other bargains; then came another postulate of the economists—

> "Take foreign productions, and foreign nations must take yours."

But this had been disproved by facts such as he had stated. The economists now assumed the very extraordinary postulate which formed the subject of the present motion, namely, "Take freely the productions of other countries, whether they take ours or not." To do that were to gamble with the well-being, the condition, and almost the existence, of the people, and to tamper with the security of the State, in order to try to recover the monopoly of the supply of foreign markets. This were mere delusion: nothing that we could do, would arrest the progress which foreigners were making in manufacturing industry; and the distresses which we were now suffering, occasioned by foreign competition, far from being remedied or alleviated, would be immensely aggravated by the success of this motion, and other still more formidable evils would be created. British labour would be doubly prejudiced and defrauded; the productions of British industry would be displaced, and more and more excluded by those of foreigners, fostered by the influence of their protective systems; and British industry ruined in the home market, by the competition of foreign rivals, from the absence of protection here. He was prepared to enter more at large into this subject; but seeing who had risen, (Sir R. Peel), he must apologise to the House for having obeyed the Speaker's call on catching his eye.

Mr. *Villiers* said, he rose to meet the only objections that could be said to have been fairly opposed to the proposition of his hon. Friend. One of these was by the hon. Baronet who had just sat down, and the other was by the hon. Member for Shrewsbury; and he noticed them because he knew they were current in other quarters, and that some persons were influenced by them. The hon. Member for Liverpool considered that the system of freedom proposed by his hon. Friend would lead to further restriction by other nations, because, he said, that the relaxation of our system of late had already been met by hostile tariffs in six different States. He did not consider the objection was in point, but the contrary, and confirmed the view taken on his side of the House, that the example of this country greatly influenced the policy of other States; for the fact was, that though we had talked much of the relaxation of our system, we had steadily and avowedly adhered to the principle of it, which was protection. That was what foreign states looked to. They observed, that though we shifted the duties a little, yet that we boasted with as much firmness as before of sticking to the principle of protection, and, observing our example, followed it, and raised their tariffs to secure protection for themselves. Had we honestly denounced that system, and declared it to be found wrong by experience, and reduced our duties, and they had then persevered in the same system, the remark might have been just; but as it was, they were imitating this country. The objection urged by the hon. Member for Shrewsbury was, that if we regarded only our imports, that the precious metals would leave the country, and we should experience great derangement of the currency, as we had done in 1839, upon the occasion of a great import of grain: and he expected that this could only be prevented by a reciprocal treaty by which the nation from which we imported stipulated to receive our manufactures. Now, let him inform the hon. Member, for his consolation, that though their relations with the grain-growing states remained as they were in 1839, yet that as they had imported grain for four or five years successively, they had ceased to export bullion, and the trade having become in a manner regular, payment had, in fact, been made in manufactures; showing that it was under the present system, when the trade was not suffered to be regular, that upon a sudden demand they were obliged to send out bullion; but upon the trade continuing, the exchange with manufactures was regular; and that the grain they had imported for the last four years had, in fact, been paid for in that way. But there were instances in which the tariffs of other countries were almost prohibitory as regarded our manufactures; and yet they contrived to take their goods without sending bullion; Russia was an instance; the value of the exports of that country to England was about 5,000,000*l.*, they took the pitch, flax, tallow, and hides of Russia without paying for them directly in goods. There were other instances he could name, and enough to show the hon. Gentleman that no trade is carried on, and from its extent between this country and the rest of the world that direct interchange of goods between this and any other particular country did not and need not occur. The merchants discovered the liabilities existing between different countries, and might be safely left to adjust the account resulting from trade between them. Such were the objections urged against his hon. Friend's motion, but they were without foundation. Whatever else had been said against it was either misrepresentations of its objects, or said with a view to confuse it. He would just call back the attention of the House to the simple point which was raised in question by the proposition, which really was no other than the purpose of our trade, and the principle which ought to guide any regulation of it. His hon. Friend proceeded upon the principle that the great object of trade in any country was the imports. He had expressed it in a few words. Take care of your imports, the exports will take care of themselves. That raised the whole question, and decided it, of their commercial policy; and if that were sound, the minister, and the statesman who occupied himself with our commerce, would readily know how to promote its interest. He entirely assented to, and had often asserted that doctrine. It was the great object of all our traffic with other countries to get into this country as many of the objects of human desire as it was possible, in order that the largest share possible may fall to each. That could not be done, unfortunately, without producing equivalents at home to purchase them, but certain it was, that those imports could not take place without so much capital and labour being employed to produce the equivalent. In short, imports appeared in this country as customers, they were the means by which our productions were bought, and every duty imposed upon them was like restricting or destroying a customer. An import duty and an export duty had, in this respect, precisely the same effect; each prevented some customer for our labour, and whenever we wanted to encourage the demand for labour the reduction or removal of an import duty was the mode of securing it. If we lived in a more simple, or in a savage state, nobody would doubt that the great object of trade, or going forth to toil, was not to take out what we had got, but to bring home what we wanted. Had we our own way, we should probably take what we wanted, without giving an equivalent; but in these days we were doomed to be honest, and we were compelled to work for what we wanted. Still the end was to multiply the store of what we had not got but wished to have. This was, then, a distinct view of the object of all our trade, and once admitted, a great point would be gained. They had seen that evening that there were some, like the noble Lord the Member for Liverpool, who thought we imported goods without exporting anything in return. They were lucky, if they did, that was all he could say. But the noble Lord should show us how they did this, or they must doubt what he said. However there were others ever talking of trade and employment as the great objects to be gained, and as if everything was accomplished if that was got. Now the difference between him and them was this; that he regarded trade and labour as merely the means, the things which were gained by them the end. Simple as this seemed, however, it was not yet conceded; for if it was, all this haggling and delay, till reciprocal treaties were negociated, would never occur and be the means of depriving us of great advantages. The fact was, so far from waiting till other countries had reduced their duties, if they took the common views of the interest of this country, and rejoiced in the errors and disadvantages of their neighbours, they ought to be satisfied at such countries as France and Belgium excluding many products of this country which were essential to their prosperity and facilitate their rivalry with us. Can any body doubt, for instance, that France would have an immense advantage were they to import coal and iron free of duty into their country, and that she injures herself and retards her progress by her wretched protective system. He was glad to see they were going to have the opinion of the right hon. Baronet at the head of the Government on the matter, and he hoped he would give them his views distinctly on the subject. He sincerely wished that the principle involved in his hon. Friend's proposition could be decided upon, for he was sure that nothing would sooner remove all the difficulties which seem to involve all their commercial relations, or tend more to simplify the regulations which they were eternally framing for what was called the good of trade.

Sir *Robert Peel*: Unless I misunderstood the hon. Gentleman who spoke last, he made a statement which was gratifying to me to hear, and which I hardly expected to come from that quarter. For the hon. Gentleman stated that some four or five years ago there had been a great export of bullion from this country, that greatly inconvenienced and deranged the currency, in consequence of a sudden demand for foreign corn, and the inability of exchanging British manufactures for that article, but that within the last two or three years a great change had taken place in that respect — that there had been no sudden demand for foreign corn, but that there had been a ready demand for British manufactures, and that foreign corn had been imported into this country in a regular way, and in the ordinary manner of commercial intercourse. And the hon. Gentleman said, that this regular interchange of British manufactures for foreign corn of late years had prevented that large demand for bullion which was apprehended by my hon. Friend, the Member for Shrewsbury. Now, I well remember that one of the prophecies of the inevitable consequences of maintaining the sliding-scale, as it is called, used to be, that there must be at intervals a sudden demand for foreign corn, which it would be impossible to pay for by the exportation of British manufactures. I think the hon. Gentleman said, that that prophecy had not been fulfilled, but that there had been a regular interchange of British manufactures for foreign corn, and that though a large quantity of corn was imported in the month of August last — to between two and three millions of quarters—yet no apprehension was felt that it would derange our monetary system. That was the statement which the hon. Gentleman made, and coming from such high and unquestionable authority upon such a point I heard it with a very great deal of pleasure. I do not intend to trouble the House with many observations on the present occasion. I well know the peculiar difficulty under which I at this time speak on the subject, considering that on next Monday week my right hon. Friend, the Chancellor of the Exchequer intends to submit the usual financial statement to the House. There being only ten days to elapse before that discussion takes place, in which a full consideration of every subject connected with the fiscal arrangements of the country must necessarily be entered upon, I feel how very inconvenient it would be were I to allow myself to go into a discussion of details at the present moment. I apprehend that the main and single question before the House is this; "is it wise on the part of the House of Commons, by an abstract resolution, to declare that you shall not seek for any reduction of the import duties on your own manufactures into foreign countries in consequence of, and as an equivalent for, any reduction of duties imposed by you on the importation into this country of the produce of those countries, but that we shall fetter the discretion for all time to come of the executive Government, and lay down to-night, after a debate of three or four hours, this important principle—that you shall not attempt by commercial negotiation to procure any reduction of the import duties imposed by foreign countries upon your own manufactures, and that when you are considering the policy of any reduction of duties on foreign produce into this country, you shall not endeavour to obtain a corresponding reduction of duties imposed on your own articles of produce, and that even if negotiations for forming commercial treaties are now pending, whereby you hope to obtain certain reciprocal advantages, yet you shall (for, by the resolution now proposed, if carried, you will be bound to) relinquish all those advantages, and to tell the country with which you are negociating, that it is not necessary for them to give you an equivalent in return for that which you are about to concede to them, for that you do not look for any corresponding advantages." I need hardly say that I am the last man to maintain the principle directly opposite to the one involved in such a declaration. I think I gave a sufficient proof of this in the tariff of last year. I then declared that I considered that our domestic interests, in all these arrangements, were of primary consideration. I laid down the principle, that it would not be wise in us to punish ourselves, because other countries refused to adopt similar arrangements as to their import duties. These principles I laid down last year, and I adhere to them still. But it is quite a different thing to propound principles when you are applying them to practical details, to that of laying them down merely in the shape of abstract propositions. Consider the many questions there are to be taken into account before you can apply such a principle. There is the state of the revenue—the comparative claims which different articles of commerce to which taxation applies have upon you. Even admitting the principle that all taxation is an evil, and supposing you are only determined by the state of the revenue, and by the obligation of providing for the interest of the national debt, and of the necessary annual expenditure, still these constitute such demands upon you as to make the power of reducing taxation necessarily very limited. But the difficulty is enhanced when you have present to your consideration the comparative claims of different articles on which the reduction is to be made. Shall you take the raw article—shall you take some great article of consumption — or shall you take an article of luxury? Then, again, what chance have you of preventing the duty being evaded by smuggling; and what will be the expense of protecting the revenue? Surely all these are important questions applying to each separate article of trade. Then, with reference to vested interests, as the noble Lord said, there are the respective claims of the colonial interests, and of the interests of foreign countries. All these are matters deserving the utmost consideration when you come to deal with details, and are not to be disposed of by an abstract principle embodied in a resolution of the House of Commons. I was surprised to hear the noble Lord (Lord John Russell) say, that he was disposed to support the present motion. Why the noble Lord has been for ten years trying to make commercial treaties. He has even boasted of some success in his efforts. When I said, last year, that we were engaged in making commercial treaties, up got the noble Lord, and also the noble Lord, the late Secretary of State for Foreign Affairs, and exclaimed, "What credit do you deserve for that? You know that we commenced the work, and have prepared the way." But now the noble Lord says, that unless I give him some assurance, which he knows I cannot give him, he is disposed to support the resolution now proposed to the House. In the Import Duties' committee Mr. Porter was examined, and he was asked,—

"Are you at the head of the statistical department of the Board of Trade?" He answered, "I am." How long have you been connected with that institution?" "From its first establishment in 1832." "Have you been engaged in effecting a commercial treaty between this country and France?" The answer was, "I have."

Now, we found these negotiations pending. They had been suspended in consequence of the affairs which had occurred in Syria. We resumed these negotiations, but now, to-night, by a sudden resolution, we are to forego every advantage, and proclaim to France, "we contemplate making reductions in the duties upon articles of your production; but you are distinctly to understand that we look for no return from you." That, I think, in the present state of this country, is a piece of superfluous liberality which the House ought not to sanction. In the course of this very year, I heard the noble Lord publicly declare it to be his opinion that nothing could be more essential to the permanent interest of this country than to make good commercial arrangements with the United States. I myself heard the noble Lord declare that, "of all the commercial arrangements which this country could enter into, that which would be most essentially beneficial would be a good tariff with the United States." Is the noble Lord, then, now prepared to consent to the proposition of his hon. Friend, and to proclaim to the United States that we looked for no equivalent from them for any reduction we might make in our import duties on their produce? It is true the noble Lord endeavours to break the fall by saying, that if I will give him some assurance he will not support the resolution. But what assurance can I give him some eight or nine days before the discussion on the budget? Will the noble Lord specify any particular tax which I could propose to reduce? The noble Lord knows that I must decline to enter into any discussion of details. I state now, as I stated last year, that I think our own interests ought to be the first consideration. If a duty cannot be levied, in consequence of its producing a system of smuggling, the prevention of which would be a greater expense than the revenue to be raised, and if that, united with the monstrous evils produced by the immoral practice of smuggling, by which we not only lose the revenue, but corrupt the manners and habits of the people, am I to say that I will maintain that duty permanently, because no other country will reduce its duties on our produce? By no means. But let us not lay down general principles in the abstract; let us reserve them for the particular cases in which they are to be practically adopted. Take, for example, our commercial arrangements with Portugal and France. I do not regard our commercial relations with Portugal in a merely pecuniary point of view; I think it of great political importance that we should strengthen the bonds of amity between that country and this, by means of an intimate commercial intercourse. In the same manner I look upon our commercial connection with France. I should not estimate the advantage of an extended commercial intercourse with France merely in respect to the amount of pecuniary gain that may result from it; but I value that intercourse on account of the effect it is calculated to produre in softening down prejudices between the people of the two countries, and in promoting the feeling of amity and good will between two great nations. I should regard that mutual intercourse in commercial affairs as giving an additional security for the permanent maintenance of peace. Let us suppose the case of a duty on an article in respect to which there is no danger from smuggling, but the revenue on which can be easily collected—an article of luxury—is it not perfectly open for me to consider whether I shall reduce the duty for the purpose of obtaining some reciprocal advantage for British manufactures? I do not consider our commercial relations with any country as a mere question of a balance of trade, I do not look upon any supposed balance against us a measure of loss. If, for example, we import from Russia the produce of that country to the amount of 5,000,000*l.* a year, and we export to Russia only 1,200.000*l.* a-year, making a difference of 3,800,000*l.* in the amount of our imports from Russia over our exports to that country, no doubt no fallacy could be so complete, no mistake so absurd, as to assume that this country sustained a loss to the extent of the 3,800,000*l.*, because that amount must necessarily be made up by our trading with some third country. That I quite admit; but while I do so, surely I may contend that a direct is more beneficial than an indirect intercourse. Surely it is better for this country to have a direct intercourse with France and with Portugal, even independently of the political advantages which must arise, by having the bonds of friendship more firmly linked together, than that we should pay our debts to France, or that she should pay her debts to us, by means of a trade with a third country—Portugal. Does the hon. Gentleman mean to contend for this principle — that any remission of duty which is desirable for us in regard to our own domestic interests, ought not to be postponed with a view of producing a reduction of duty in other countries on articles of British manufacture? That, I apprehend, is the principle which the hon. Gentleman maintains. Now, even if that principle were sound, I should doubt the policy of proclaiming it. Depend upon it we have prejudices enough to contend with in other countries without throwing away any advantages by a gratuitous declaration of a principle like this. The noble Lord says, "Suppose a taste for British manufactures arises, can foreign governments control it? and can they prevent its being gratified by any duty they may impose?" That may be very true; but how can you best encourage that taste? Take Portugal for instance. How will you be most likely to beget a taste for British manufactures in Portugal? Is it not by directly introducing our cottons and woollens into Portugal? And if, by reducing the duty on port wine imported into this country, I can induce Portugal to reduce the duties on our cottons and hardware imported into her markets—if I can introduce our cottons into Portugal, and they take the taste of the people, the value of having them at a cheap rate would soon be appreciated, and will not that be an advantage to the manufactures of this country? The reduction in the duty on port wine may be a good thing in itself; but if, by a treaty with Portugal, we can not only have that reduction but also secure the reduction of duties on the importation of our manufactures into Portugal, is it not better to obtain the double reduction of duty than the single reduction? The hon. Gentleman, however, by his resolution, would prevent the Executive Government from obtaining any such advantage. The noble Lord (Viscount Howick) does certainly push the doctrines of Free-trade to an extravagant length; it is to him a matter of entire indifference how high the duties are which foreign countries impose upon our articles—"If we import," says the noble Lord, "we must pay somehow or other." Now, that doctrine of the noble Lord, and also his other position, that this resolution would have the effect of depriving the Foreign Office of the temptation of writing nine-tenths of the useless correspondence which it now produces are the grounds upon which he will vote for this motion; and although he may think the tendency of this motion to diminish the labour of the Foreign Office is a very good thing, it is hardly a sufficient reason for supporting the resolution of the hon. Gentleman. Then says the noble Lord the Member for London, "I will prove the advantage of a diminution of your import duties, independent of the conduct of other countries, from a reference to the article of brandy;" and then he stated that the exports of brandy from France in a certain year amounted to a certain quantity, and the imports of brandy into England for the same period amounted to 1,200,000 gallons less; and it was quite clear, therefore, he said, that there must have been an enormous quantity of smuggling; but, unfortunately for the noble Lord, the facts are exactly the other way. In the year 1834, the exports of brandy from France were 1,744,000 gallons, and therefore, according to the noble Lord's statement, the imports into England in that year ought to have been only 547,000 gallons; but, in fact, the imports into England were three millions of gallons, showing apparently an excess over the whole quantity exported, and so as to every year downwards since 1834. Do I therefore contend that there has been no smuggling? Not at all; it only proves that the noble Lord's argument is without foundation, and the records of the French custom-house are not to be depended on. But the terms of the resolution itself, are not such as I can concur in. The hon. Mover does not say "Let your own domestic interests alone be regarded;" but nine or ten days before the Budget is to be produced he calls upon the House to adopt this resolution:—

> "That an humble Address be presented to her Majesty, respectfully expressing the opinion of this House, that it is not expedient that any contemplated remission of import duties be postponed, with the view of making such remission a basis of commercial negotiations with foreign countries."

"Contemplated remission!" Contemplated by whom? The hon. Gentleman has heard that it was in contemplation to reduce the duties on port wine; we contemplated that reduction in the hope that Portugal would reduce her duties on our hardware, cotttons, and woollens. Now there is the hon. Member for Sheffield—does he, would his constituents, think it no object to get our hardware freely admitted into Portugal? Even supposing it to be wise to reduce the duties on port wine without any equivalent, is it not, I ask, a perfectly legitimate object to say to Portugal, "We are going to reduce our duties on port wine, there is no absolute necessity for it, but do you, Portugal, take a corresponding course with reference to our hardware, cotton, and woollen goods. Accustom your population to the use of British manufactures, and then we shall feel confident that the advantage, as it will be mutual, will be permanent." Then we may be sure that the taste for our manufactures will be encouraged, and that the Portuguese would soon seek for freer access to our markets. But the hon. Gentleman tells me I am not, even if I can, to obtain this advantage;

> "You must not postpone (he says) even for a month, any contemplated remission of duties, though that remission were only contemplated in the hope of getting an equivalent."

Supposing the reduction of the duties on port wine could be effected with advantage to this country, does it necessarily follow because we contemplated the reduction of the duty on port wine in the hope of obtaining an equivalent, that when that expectation has been disappointed, port wine ought still to have the preference over all other articles? Suppose we could afford to run the risk of losing 300,000*l.* or 400,000*l.* of revenue, ought port wine to be the article selected for the benefit of that remission? Might it not be a question whether the duty on wool ought not to be remitted instead; and, if we contemplate a remission of that duty, why should we give the duty on port wine the preference? I advise the House to reserve to itself the power of applying sound principles to particular cases, as they arise. When any proposition for the remission of any duty is submitted to the House by her Majesty's Government, every individual Member will have the opportunity of opposing that proposition, of making a counter proposal, and of urging the claim of one particular article in preference to that of another; and that I think would be a much wiser course, one much less likely to involve the House in embarrassment and difficulty, than to proclaim an abstract principle as a matter of commercial negotiation, about which even the warmest free-traders widely differ, for since I came into the House I have read a postcript of a letter, addressed to me by a gentleman, a zealous free-trader, whose authority cannot well be disputed on the other side of the House. I see hon. Gentlemen opposite turn away from Colonel Torrens now as a gentleman of no authority at all—but I refer to his opinion for the purpose of showing that upon this subject even strenuous advocates of free-trade are not united. Colonel Torrens says:—

> "I would beg to submit for your consideration, what appears to me to amount to a mathematical demonstration, that a reduction of the duties upon foreign productions, unaccompanied by a corresponding mitigation of the duties imposed by foreign countries upon British goods, would cause a further decline of prices, of profits, and of wages; and would render it doubtful whether the taxes could be collected, and faith with the public creditor maintained."

Colonel Torrens calls, too, in aid of his opinions other high authority; and he names one, for whom, whatever may be the connection of the hon. Member opposite with him, he cannot feel greater respect than I do — Mr. Ricardo, in whose chapter on trade the doctrine is involved. He says also, that the same doctrines have been established by Mr. Senior and Mr. Pennington whom Col. Torrens calls one of the most profound thinkers of the day. If, then, these differences of opinion exist—if these are speculative doctrines upon which even free-traders are not agreed—I hope the House of Commons will not make itself a party to an abstract resolution embodying these views without much more mature consideration; and I hope, therefore, the House will negative the motion of the hon. Gentleman. I repeat what I have already stated, that in my estimation, our own interests are the main consideration in the reduction of duties, but I doubt whether our interests would be best promoted by granting, without reference to other considerations, a free admission for foreign productions; at all events, I trust that the House will avoid a course which my political experience has taught me is always attended with embarrassment — that of laying down an abstract principle to be the guide of the Government in matters of so much delicacy and difficulty as commercial negotiations.

Mr. *Cobden* contended that there never could be a time when it was more important to lay down the principle against which the right hon. Baronet contended. The object of the motion was, that foreign commercial negotiations should not be left in the hands of ministers, and one reason why he supported it was, that he wished to prevent a government, which was the creature of monopoly, from meddling with any of our commercial arrangements. What had the present Government done as regarded Brazil? It had sent out an ambassador, a special mission, to negociate a commercial treaty; but had the people ever asked for the reduction of any duties there? On the contrary, there was no kingdom of the world where our goods were received on such favourable terms as in Brazil. No complaints had been heard in this country? No complaint had ever been heard in this country of excessive duties in Brazil. Yet what had been the course of the present government? When the people of England applied for an equalization of the sugar duties, ministers had sent out an ambassador to Brazil, as they stated to negociate a fresh treaty. The people wanted no fresh treaty; all they required was the abolition of the West-India monopoly. The ambassador dispatched would, in fact, only represent monopolists, and did not go to negociate any treaty in which the people were interested: he was sent out to obtain the best terms for the West-Indian monopolists, and the worst for the people of England. The Brazilians offered a monopoly to the extent of 10 per cent., but that did not satisfy the envoy and would not satisfy the government which sent him out. Was this, then, anything less than an insult and a mockery to the inhabitants of the British empire? Was it not exposing the country to the shame of the civilized world. It was this which had induced one of the senators of the Brazils to exhibit and denounce the people of England as the slaves of a corn, sugar, coffee, and timber oligarchy. Ministers attempted to delude the Queen's subjects by such attempts as this, and he, therefore, especially called upon the House not to allow the present Government to interfere, but to settle its own commercial policy, and to leave other countries to settle theirs. Was the hon. Member for Wolverhampton wrong when he defined the object of commerce to be imports? What foreign nation could prevent our giving every possible encouragement to imports? That depended upon our own fiscal regulations; but when we sent to the Brazilians and other countries and asked them to reduce their duties, it was placing the commerce and the independence of Great Britain at the mercy of every country on the face of the earth. Was it fit that the executive government should be allowed to go all over the world to seek for impediments to free-trade abroad, in order to excuse them in resisting the removal of impediments at home? Take the case of Portugal. A commercial treaty with Portugal had been commenced by the late Foreign Secretary? and had been persevered in with great assiduity by the government of the right hon. Baronet. With the exception of the mission to Brazil, the negotiation with Portugal was about the most hopeless errand that could be undertaken. Portugal was the poorest—and, but for disrespect, he might call it the most beggarly—country on the face of the earth. Our trade could never be resuscitated by any treaty with Portugal; yet the right hon. Baronet talked of the importance of reducing the duty on port wine. This country did not call for the reduction of the duty upon a luxury. He spoke as a free-trader, and as having a pretty large connection with those who required commercial reforms, and he could say, that they had not clamoured against the duty on port wine—they had clamoured against the duties on corn, sugar, and coffee, the repeal of which, it was calculated, would produce an immense increase to the revenue. It might be very well to talk of a commercial treaty with Portugal, but abolish the monopolies of sugar, corn, and coffee, and the vast continents of North and South America would be opened to the manufactures of Great Britain. This, indeed, would resuscitate the trade and manufactures of the country, and to the accomplishment of this great end there was no obstacle but our Statute-book. That was the friend of the foulest monopolies; but instead of tearing out those Acts which established monopolies, ministers contented themselves with petty negotiations with Portugal, Sweden, and Brazil, in order to discover excuses for adherence to the present system. How long was the people to be amused with such attempts? As had been remarked by the Brazilian senator, they were beginning to find out that they were the victims of a set of monopolists. These stale expedients would not long avail, whether they were justified by the right hon. Baronet, or by the hon. Member for Shrewsbury. The motion before the House could have no influence on the revenue; it tended to disturb no subsisting arrangements; and all it sought was to free the country from the danger of having its commerce paltered with to strengthen a minister supported by monopolists. Nothing could be more true than that the imports would regulate the exports, and all the much-talked of negotiations for commercial treaties were only intended to throw dust in the eyes of the people, and to maintain all the evils of the existing system.

Mr. *Ricardo* in reply, admitted that his object was to produce an abandonment of the whole of the present system. He was quite aware of the great benefits which the country had derived from the reduction of duties in foreign countries; but he did not think that commercial treaties were the best means of obtaining that reduction. The right hon. Baronet had referred to a pamphlet which had attracted considerable attention, and the right hon. Baronet had stated what Colonel Torrens intended to prove, and not what he had proved, so that this mathematical demonstration was *in nubibus* at present. He must observe also, that the pamphlet, though advertised yesterday, was not published till that evening, and it was curious that when he went to the library to look for the book, written by a near relative of his own, which had been also referred to by the right hon. Gentleman that was absent also. As far, however, as he recollected the opinions of Mr. Ricardo, he did not think it possible that he would have advocated the principle of reciprocity. He did, however, distinctly recollect one mathematical demonstration with respect to reciprocity, or rather to retaliation, made by Dr. Franklin, and quoted by Mr. Porter in his tables of the progress of the nation, and it was this:—Suppose X to be a country, having three manufactures, cloth, silk, and iron, furnishing those manufactures to three countries, A B C, and that X, to improve the cloth manufacture, should lay a duty, amounting to prohibition, on all the cloth coming from A; that A, to retaliate, should lay a prohibitory duty on silk coming from X. The silk workers would begin to complain, and X, to protect them, should lay a prohibitory duty on the silk coming from B; B, to retaliate, should put a prohibitory duty on iron coming from X. The iron manufacturers would complain, and then X, to protect them, should lay a prohibitory duty on iron coming from C; whilst C, to retaliate, should lay a duty on the cloth coming from X. And Dr. Franklin asked what benefit these four countries would gain by these prohibitions, while all four would have curtailed the sources of their comforts and the conveniences of life? Now, that was his mathematical demonstration, and the only difference between him and the right hon. Baronet was, that he had given his, whilst the right hon. Baronet had only threatened to give his.

The House divided:—Ayes 61; Noes 135; Majority 74.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Barnard, E. G.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Christie, W. D.
Cobden, R.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Craig, W. G.
Dawson, hon. T. V.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, D.
Ellice, E.
Elphinstone, H.
Evans, W.
Ewart, W.
Forster, M.
Fox, C. R.
French, Fitzstephen
Gibson, T. M.
Granger, T.
Hallyburton, Ld. J. G.
Hill, Lord M.
Hollond, R.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howick, Visct.
Langston, J. H.
Mangles, R. D.
Marsland, H.
Mitchell, T. A.
Murphy, F. S.
Napier, Sir C.
O'Brien, W. S.
Philips, G. R.
Plumridge, Capt.
Ponsonby, hon. C. F. A. C.
Protheroe, E.
Ross, D. R.
Russell, Lord E.
Rutherfurd, A.
Scholefield, J.
Smith, rt. hon. R. V.
Stansfield, W. R. C.
Tancred, H. W.
Thorneley, T.
Trelawny, J. S.
Tufnel, H.
Wall, C. B.
Ward, H. G.
Watson, W. H.
Wood, B.
Wood, G. W.
Yorke, H. R.

TELLERS
Ricardo, J. L.
Villiers, hon. C.

List of the NOES.

Ackers, J.
Acland, T. D.
Acton, Col.
Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Allix, J. P.
Antrobus, Edmund
Bagge, W.
Baillie, Col.
Bailey, H. J.
Baskerville, T. B. M.
Beresford, Major
Bernard, Visct.
Blackburne, J. J.
Boldero, H. G.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Campbell, Sir H.
Cardwell, E.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Clayton, R. R.
Clerk, Sir G.
Collett, W. R.
Copeland, Mr. Ald.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Dickinson, F. H.
D'Israeli, B.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duffield, T.
Duke, Sir J.
Duncombe, hon. A.
Duncome, hon. O.
Du Pre, C. G.
Eastnor, Visct.
Eaton, R. J.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Filmer, Sir E.
Flower, Sir J.
Follett, Sir W. W.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimston, Visct.
Hale, R. B.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Hope, G. W.
Ingestre, Visct.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kelburne, Visct.
Knatchbull, rt. hn. Sir E
Lawson, A.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Maclean, D.
Mc. Geachy, F. A.
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Morgan, O.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Pollock, Sir F.
Pringle, A.
Reid, Sir J. R.
Repton, G. W. J.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, J.
Rushbrooke, Col.
Sandon, Visct.
Scarlett, hon. R. C.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hn. H. M.
Tennent, J. E.

Trench, Sir F. W.
Trevor, hon. G. R.
Vane, Lord H.
Verner, Col.
Waddington, H. S.
Wellesley, Lord C.
Wood, Col. T.
Wortley, hon: J. S.
Wortley, hn. J. S.
Wyndham, Col. C.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

County Courts.] Sir *J. Graham* begged leave to introduce the bill of which he had given notice respecting the County Courts. The bill was the same in principle as that which had been introduced last Session, but in the present he only intended to appoint one, instead of two tribunals in each county to decide upon sums not amounting to more than 10*l.* The machinery would be nearly the same with the measure of last year. All further details he would postpone until a future occasion.

Leave granted, bill brought in and read a first time.

House adjourned at half-past twelve o'clock.

HOUSE OF COMMONS,

Wednesday, *April* 26, 1843.

Minutes.] Bills. *Public.*—2°. Exchequer Bills.
Private.—Reported.—St. Helen's Water Works.
3° and passed:—Cromford and High Peak Railway.

Petitions Presented. By Messrs. Trelawny, Evans, Hollond, C. Berkeley, Lawson, Broadley, Tancred, G. Philips, Thornely, Busfeild, Standish, Waddington, Brotherton, H. Lambton, S. Crawford, Cardwell, J. Jervis, Chute, B. Escott, Greene, Barnard, Bernal, Martin, S. O'Brien, Elphinstone, Aldam, Acland, and S. Wortley, Sir T. Chetwode, Colonel Rushbrooke, Lord Duncan, Lord Dalmeny, Colonel G. Langton, Sir J. Hanmer, Sir E. Filmer, Lord H. Vane, Lord C. Fitzroy, Sir G. Grey, Lord John Russell, Colonel T. Wood, and Sir C. Napier, from an enormous number of places, against the Educational Clauses in the Factories Bill.—From Kendal, against Altering the Law relating to the Recovery of Lost Time in Factories.—By Colonel Wyndham, from Bepton, against the Importation of Corn from Canada.—By Mr. Thornely, from Cradley, for the Total and Immediate Repeal of the Corn and Provision Laws.—From High Sheriff of Bucks, for Protection of Industrious Classes in Home Market from Foreign Competition.—By Mr. R. Palmer, from Laugharne, Henley-upon-Thames, and Wokingham, against the Municipal Corporations Bill.—From Malmesbury, for Altering the Municipal Corporations Bill.—From Deralossory, and Glanely, for Encouraging the Schools connected with the Established Church in Ireland.—From Delgany, for Amending the Irish Poor-law.—From Chippenham, and Shrewsbury, against the Union of the Sees of St. Asaph and Bangor.—From Bonnyrigg, Lasswade, and Loanhead, for Universal Suffrage.—From Hitchin, for an Inquiry into the present state of the Medical Profession.—From Cyrus Redding, in favour of Health of Towns Bill.

Players of Interludes.] Sir *James Graham* said, seeing the hon. Member for Finsbury in his place, he would appeal to him not to bring forward his motion for going into a committee on the Players of Interludes Bill. He made the request on no account of personal convenience; but he had, in conjunction with his noble Friend, the Member for Hertford, paid some attention to the subject, and his noble Friend had a measure in preparation which would probably meet the views of the hon. Member.

Mr. *T. Duncombe* expressed his pleasure that the subject was taken up by her Majesty's Government, and his unwillingness to stand in their way. He was glad that the propsition he had brought forward had merited attention. The Order of the Day for the committee on the bill was discharged.

Negotiations with Brazil and Portugal.] Mr. *Milner Gibson* wished to obtain from the right hon. Gentleman some information respecting the subject which had been noticed last night, he meant as to the amount of the differential duties it was proposed to be levied on foreign and colonial sugars. He was aware of the reluctance there must be to answer his question, but he believed the Government had come to a determination on the subject, and he wished for information. He did not mean to press any question as to whether there were to be a reduction of the duties, he would only ask on what grounds the Government proceeded? After Mr. Ellis had arrived at Brazil, the Brazilian government had made a proposition to him, and stated that it would be content were the sugar and other produce of the West Indies only favoured to the extent of 10 per cent. The Brazilian government was ready to enter into the negotiations, on the principle that its produce, including its sugar, should be subject to a duty of 10 per cent. higher than the duty on colonial sugar. He asked whether that would satisfy the West-India interest, or whether her Majesty's Government had ascertained what amount of differential duty would satisfy the claims of the West-India proprietors? This question related clearly to the policy of the Government in a great practical measure, and he wished to know what amount of protection her Majesty's Government had authorised Mr. Ellis to offer. He thought her Majesty's Government—[Order]—He was not going to argue the question; he only asked the right hon. Gentleman—and he thought, that in this particular the House had a right to know, as they knew the proposals of the Brazilian Minister—what were the proposals of our own Minister? It was but fair, that they should be known. The basis of the proposed negotiation had been divulged on one side, why were they not divulged on the other? The proposition on which he wished to get information, the question he took the liberty of asking was what was the amount of protection which was insisted on by the gentlemen of the West-Indian interest? The other question he had to ask referred to Portuguese wines. In case the treaty with Portugal had succeeded, the effect of it would have been to establish a differential duty in favour of the wines of Portugal. It would have set up a monopoly on behalf of Portugal against ourselves. Portuguese wines would be favoured, and the higher duties continued on French wines. Would that, he wished to know, be the case, or would the duties on both be reduced? It was clear, that had the treaty taken effect lesser duties would have been levied on Portuguese wines, and he wished to ask if there was to be an exception of that kind in favour of Portuguese wines, or whether the reduction of duties would extend to all wines?

Sir *Robert Peel* wished he could reward the ingenuity with which the hon. Gentleman sought to extract information from him; but really he was unable. The hon. Gentleman asked him what proposals Mr. Ellis was authorised to make to the Brazilian government respecting the duty on sugar. Now, that was a point on which he could give the hon. Gentleman no information. With respect to the other questions, he was ready to give the hon. Member some information. Supposing there had been a reduction in the duty on port wine, it would necessarily follow that there would be a reduction of duty on sherry. Had the negotiation with Portugal been successful, and the reduction of duty under that treaty taken place, it would, as a matter of course, have led to a reduction of the duties in Spanish and French wines also.

Mr. *M. Gibson* simply wished to know whether the negotiations with Brazil were broken off in consequence of the difficulty of giving protection to the West-India proprietors, or upon the question of slavery? Whether the difficulties were moral or pecuniary, whether we objected to the Brazilian proposition on account of our desire not to encourage slavery, or to secure a sufficient protection to the West-India proprietors?

Sir *Robert Peel* said that he had given all the information he possessed yesterday, and he had stated that he might possibly be doing an injustice to the Brazilian government by undertaking to answer any question upon this subject, without being in possession of its letter. Mr. Ellis, writing immediately before the departure of the mail, said that he had received a fresh communication from the Brazilian government of which he could give only the substance, and the substance as given by Mr. Ellis was that the only terms upon which the Brazilian government would treat were, that the differential duty between Brazilian produce and colonial produce should not exceed 10 per cent. The negotiation was broken off on the ground that Mr. Ellis was not authorised to treat upon that basis—the only basis proposed—namely, a differential duty of 10 per cent. It was not possible, Mr. Ellis said, to give the letter of the Brazilian government, and thus he was only able to state the substance.

Sir *W. Barron*: Then there was no question about slavery mixed up with the negotiation?

Sir *R. Peel* was understood to say that it had been quite unnecessary to go into that subject, as the negotiation came to a premature close.

Mr. *Barnard* said some difference of statement existed whether the treaty with Portugal had been broken off, or only interrupted. He wished to ask what it was?

Sir *R. Peel* said the hon. Gentleman was now referring to an announcement made by the Portuguese government. That announcement, as it appeared in the paper was, that the negotiation was broken off. He believed that the proper construction of the word used by the Portuguese government was "interrupted," and not broken off. The terms which we had stated we should abide by had not been accepted by the Portuguese government, and, therefore, so far there was an end of the negotiation. He could not answer for the future, but there was an end to the negotiation for the present.

Subject at an end.

MUNICIPAL CORPORATIONS.] On the

Order of the Day for the second reading of the Municipal Corporations Bill,

Lord *J. Russell* rose to move the second reading, and said that when he obtained the leave of the House to bring in the bill, the House had been sufficiently indulgent to him to allow him to bring it in without further explanation, on the understanding that on the motion for the second reading he should explain the objects which he proposed to effect by the measures. He would, therefore, proceed to state his views and the grounds on which he thought the House ought to pass the second reading of this bill. The bill had reference to those corporations of England and Wales which had been left untouched by the Municipal Corporations Act. Some of those corporations were of little importance, whilst others, as being possessed of considerable property, were of great importance in the country. In 1835 the House had passed a law, altering the constitution of a great number of the corporations of this country, reforming them on one model, allowing of popular control, and introducing the principle of popular election. Before the introduction of that measure, in most of these corporations the members had elected themselves. When he had introduced that measure, he had stated that there were several corporations to which it was not intended to apply the provisions of that bill. He now proposed to deal with those corporations. He divided them into two classes. In the first class he placed those corporations which were of little importance, and of the existence of the charters of which there were, in some instances, great doubts; and, in the second class, he placed those corporations which were possessed of considerable property. With respect to these last, he trusted that Parliament would adhere to the principle which it had sanctioned, by a large majority, in legislating for the other corporations in 1835, and would substitute in those also the principle of popular control and of popular election for that of self-election, from which so many abuses had resulted. He would state next what was the character of these different classes of corporations. He was not about to do so on his own authority, but on the authority of the reports of commissioners, who had been appointed in consequence of a recommendation of a committee of that House. He would first refer to those boroughs which were contained in Schedule A., and the first of them was Ashton-under-Lyne. In this borough there was no knowledge of any charter. It was not known whether the charter had been forfeited, or whether it ever had a charter; and the mayor had no other duties to perform except those of a returning officer. The next borough in the list was Bala, a borough in Merionethshire. Of this borough, a gentleman resident in the neighbourhood said, that it was a corporate town; he was the only person who knew anything about it: he had heard that from a learned man who had used many Latin words, and he believed that he was the only person who knew that it was a corporate town. He had heard his father say it was a corporate town and therefore he believed it was. There were no duties attached to the corporation. There was another borough called Harlech, also in Merionethshire, of which Mr. Palmer was mayor, and who described the chief use of the corporation to be, that it gave him a good dinner once a year, and he should be very sorry to lose it. With respect to the others he would not enter into details; he would only say, that they were governed by the same kind of narrow spirit which prevailed in all self-elections, and that the corporate officers had little or no business to perform. There was one, the borough of Newborough, in Wales, of which the mayor proposed to the burgesses to divide the commons and told them that if they did not agree to divide the commons he would go away and not come again. They appealed from the mayor to the recorder, and the recorder told them that if they could not agree he should do the same as the mayor, go away, and not come again. The burgesses did not agree, and the mayor and the recorder went away, and were never seen any more. That was the commissioners' statement, and they said that these corporations answered no good purpose, that they were not wanted, that they caused expense, that the tolls they levied were very often extremely vexatious, that they were governed by a body of select persons self-elected, and that they ought to be abolished. With regard to one place Mr. Jardine had stated that it had no jurisdiction, and no duties equivalent to the expense of the establishment. Such was the general character of the unimportant corporations with which he proposed to deal. There were other corporations of a very different character, and with respect to which he proposed an entirely different measure. They were boroughs which he proposed to include in schedule D. But there was an error in printing the bill, which it was necessary he should notice; the clause which included the boroughs of this description being printed in schedule C instead of schedule D. The corporations of this description retained their municipal institutions; but their constitutions as they now exist were full of abuses. They were in the hands of a few persons, who received all the advantages of the corporations, who impoverished the people, and it was fit they should be reformed on the principle adopted in the Corporation Act of 1835. He would take the case of the corporation of Queenborough, which had been repeatedly brought before the House by petition, and which would illustrate other cases. He wished to call the attention of the House to the state of that borough, because he understood that the second reading of the bill was to be opposed, and he was desirous of ascertaining whether the inhabitants of this borough were to be left without a remedy for the grievances they endured. He put it to the House whether it would, by refusing to read the bill a second time, leave those people without any redress? What was the case of Queenborough? In that place there was a fishery of considerable value, which in the last few years had yielded a sum of more than 100,000*l.* That was so stated in the report of the commissioners. They said that for the last four years the revenue obtained from these fisheries amounted to 13,000*l.* to 15,000*l.* and sometimes to 18,000*l.* That was the gross amount, from which certainly was to be deducted the expense of the fisheries. The fishery was intended to benefit the place; but in consequence of the power of the corporation being in the hands of a few persons, the fishery was not only not beneficial to the Crown, but it had been made the means of entirely destroying it, by the tyranny, oppression, and cruelty which were exercised on the inhabitants. The people of Queenborough thought they had a right to be present when the accounts were audited, but they were refused to be admitted, and the case was sent to the courts of law, where the corporation took care that the people could not come in consequence of the expense. The people had, in truth, no means of prosecuting the suit, while the corporation carried it on with the corporation funds. It appeared that the corporate officers had spent 1,000*l.* in paying the expenses of one lawsuit, and they wasted the money in expensive lawsuits, which should have been employed in keeping up the fisheries, of which they were the wardens. They made bye-laws of the most oppressive nature, by which they did not allow the dredgers for oysters to carry on their calling unless they obtained their permission. Another bye-law ordered the fishermen to dredge for oysters for a great length of time, for which they would not pay above 1*s.* and if they refused to serve these masters, they were excluded from all employment. They were, in fact, reduced to the condition of slaves of the worst description by the tyranny of these corporate officers. That was stated in the report of the commissioners. He had some time since presented a petition from the free burgesses of Queenborough, who wished to have the remedy provided by this bill. They stated that out of 120 houses 66 were unoccupied; that the grass was growing in the streets, and that the people were suffering the greatest privations. The fisheries were going to waste, and the borough was saddled with a heavy debt. It was not only saddled with a heavy debt; but the oyster beds to which the people had to look for support, had not been supplied with oysters in the proper season, and it was feared that the fishery would be entirely destroyed. The corporation was ruining the common people, who saw with envy the prosperity of Rochester and other towns arising from their flourishing fisheries. He must ask, then, were these people to have no remedy, and were they to be left without any redress by the House refusing to pass this bill? There was another case, Saltash, which was one of great abuse. It was stated that all municipal purposes were greatly neglected, that the gaol was not fit to hold the prisoners, and that the debt of the town was greatly increased. The inhabitants of that borough, too, had petitioned the House to pass the present bill. He could not believe, under such circumstances, that the second reading of the bill was to be opposed, though it was so stated; for he did not know on what grounds the

House could refuse to read the bill a second time, unless it meant to say that there should be no remedy for these great abuses. He came next to the remedy which he proposed. With regard to all the boroughs in schedule A, which were insignificant places and generally destitute of charters and property, he proposed that they should be dissolved. With regard to other small boroughs which had some property, he proposed that they should be dissolved also, and their property be left to the disposal of the vestries of the parishes, to be applied by them, not to the poor-rates or the highway.rates, but to purposes of improvement. He would not exclude them from applying the property to church-rates, because it had in many cases been intended for purposes of that kind. In many cases, however, this property, which appeared to be considerable, was not so in fact. In the borough of Henley, for example, the property of the corporation was said to amount to 1,200*l.* a-year, but that was not all at the disposal of the corporation, which could only control about 357*l.* the rest of it was appropriated by law to other purposes. There were the bridge rents, amounting to 342*l.* a-year, which were in the hands of the bridgemen, who did not belong to the corporation. Those persons held these funds in trust—they performed no duties to the town, and applied them to the repairs of the church. There were various other small sums, which went to parties different from the corporation. The corporation had claimed to have the disposal of some of these funds, but the Charity Commissioners in their reports proved that the claims of the corporation were incorrect and unfounded. He proposed that the boroughs in schedule D should be continued, but that they should be subjected to a governing body elected by the great body of the people, under similar regulations to those of the reformed corporations—that is, that they should be elected by persons who had resided three years in the borough, and paid taxes and rates. He did propose, however, that these changes should not be all immediate, but that on the 9th of November next the change should begin, and on every following 9th of November more of the officers should be changed. His wish was to make the change gradual, so as to cause no alarm, but at the same time to put an end to all existing corporations which were formed on the principle of self-election. Boroughs in which seven or eight or twelve persons elected their successors, to the exclusion of all the other inhabitants of the town, were not to be continued. The Parliament had passed the Municipal Act to put an end to such corporations, and he could not believe that the Parliament would now refuse to give to the smaller boroughs the new constitution it had given to the larger ones. He appealed to the House to listen to the prayers of the people of Queenborough, and by passing the bill enable them to receive the benefits of the new municipal regulations, and obtain redress of their many grievances. The noble Lord concluded by moving that the bill be read a second time.

Mr. *W. Williams*, in supporting the motion, said that he considered that the House was deeply indebted to the noble Lord for having, by his Municipal Reform Bill, annihilated those nests of corruption and local mismanagement, and substituted for them new corporations, founded on the elective franchise. But then he did not understand why the noble Lord had left untouched the corporation of the city of London, which exceeded all other corporations in corruption and profligacy, and in which seemed to be accumulated all the vices which all other corporations had practised. He could tell the noble Lord that his constituents felt aggrieved that they should be excepted from a system of reform, which they felt so requisite for their advantage, or that there should be continued that system of misrule and profligacy, of which they had already complained to that House in the strongest possible terms, and that, too, in a petition, in which the noble Lord, before he became their representative, had presented; and that was signed by from eight to nine thousand inhabitant householders of the city. Not only were the inhabitants of the city under the domination of the London corporation, but all who lived in the vast valley of the Thames, from Windsor to the Medway, were under its jurisdiction, and from them it exacted taxes; upon the most important necessaries of life. He should like to know on what ground of justice or morality these corruptions were to be continued, when all the towns in England had been purified? He was sorry that the noble Lord had shrunk from the dealing with that giant mass of corruption—the corporation which he himself represented. But then if the noble Lord did shrink from this task, he appealed to her Majesty's Government, and in doing so, could not but express the hope that they would not allow this nuisance to continue any longer. Why, he asked, were the inhabitants of the whole of this metropolis to be under the ban, and afflicted with taxes by that profligate corporation? He should like much to know why it was that the members of the metropolitan boroughs did not attack that corporation. Why did their members remain listless whilst the property of their constituents were taxed by the corporation of London? He would like to ask the noble Lord who brought in the present bill, if he thought it just that such a system should continue for one day longer? He might be allowed to give one instance of the oppressions of the London corporation. No man could engage in trade in the city without paying a tax to the corporation of something like 11*l.* 5*s.* Such a system of taxation, he said, was never heard of in any other part of the world. It never was even attempted in any one of the old corporations that they had abolished. It was not known anywhere else in any part of the United Kingdom. He was sure that the House could not be aware of the extent of oppressions practised and enforced by the London corporation. Every article that was consumed was made to pay a tax to the corporation. In the city of London there was not a single article that was not made to pay a tax. Let them, for instance, look to the Lord Mayor's department. He was glad to see that the Lord Mayor was present and taking notes. Now, not a ship nor a boat laden with corn, fruit, potatoes, or almost any necessary of life, could enter the port of London and offer its cargo for sale, whether fruit, corn, or potatoes, before a person landed and went to the Mansion-house and paid the Lord Mayor a tax and received his permission for a sale, as without that permission no sale could take place. The tax was not a very heavy one, but it was to be complained of as a great inconvenience to trade. There were several charges made at the Cocket-office. There was the payment of a sum of money to an officer called a "Trier." In ancient times, when a cargo of fruit arrived in London, it might have been proper to wait on the Lord Mayor with a sample, and obtain his permission to sell it, and then the Lord Mayor sent round his crier to announce the arrival of such a cargo. That might have been all very proper seven or eight hundred years ago, but it was not proper or just that the exaction should be continued to the present day. The amount of taxes that were profligately expended on feasting and revelling by the corporation was enormous. The city laid taxes upon potatoes, salt, coals—in short, upon every article that came into the metropolis. The corporation imposed its taxes, not merely on the channel of the Thames, but also on every tributary stream to the Thames. 100,000*l.* a year collected in this way formed one of the sources of the revenue. But this was not all. Merchants could not land a cargo of corn, or coal, or fruit, without being compelled to employ labourers who were freemen of the city of London, and who must on that account pay taxes to the corporation. He said that such a corporation—a corporation which the noble Lord represented, ought to be the very first subjected to reformation. A committee had five years ago been appointed to inquire into the management of the port of London by the corporation. Let the House only think of such a river as the Thames being under the management of such a corporation. The Lord Mayor was called "Conservator," or some such name, and he was assisted by a committee of the Common Council. They were to superintend the safety of the river, and look to the mud banks that interrupted the navigation. It was not merchants of London who might be competent judges of such a matter, who were appointed to perform that duty—no, but they were members of the corporation, and there was always a great scramble to get upon the committees, because in committees there was always the largest amount of feasting. He could assure the House that the principal Members of the committees were butchers, bakers, tailors, shoemakers, slopsellers, and persons of that description. Such were the persons that the cor oration thought were the most fit for the management of an important river like that of the Thames. The consequence of this mismanagement could only be appreciated by those who suffered. There could not be a steamer on the Thames without the officer being a freeman. They could not discharge a coal-ship or a barge without employing freemen of the city of London, and thus there were extravagant charges for the work done, and frequently they could not get the work done in the time required. And how, then, was the law business of the corporation performed? The corporation kept up a staff of not less than ten regularly paid lawyers! There was the town clerk, the city remembrancer, the comptroller—then there was the common-sergeant, the recorder, and there were the four city pleaders, with another whom he did not recollect, making in all ten lawyers regularly employed; and yet it was most remarkable, that whenever there was a case of the least importance to be tried, the corporation did not intrust their case to their own law officers, but had to ask for the aid of foreigners, for such foreigners as the Attorney-general and other distinguished Members of the Bar. The corporation showed that it was not satisfied with the talent of its own staff of ten lawyers. He did not mean on this occasion to go into the question of expense, or to show what all these things cost in pounds, shillings, and pence. That he reserved for another opportunity. He wished, however, to show, in the first instance, that it was the duty of the noble Lord to introduce a bill for the reform of the corporation of London, and if the noble Lord declined the task, then he hoped that the right hon. Baronet the Secretary of State for the Home Department, would take up the question. If he did so, whilst he found the political feeling of the corporation divided, that which was proved in the last election; he would also learn, that by undertaking the management of the subject, he would entitle himself to the gratitude of the great body of the inhabitants of London, who felt deeply the grievances inflicted upon them by the corporation. The commissioners appointed to inquire into corporation abuses, had actually obtained no information of any use. The only information they got was from the officers of the corporation, who gave them as little as possible. But he referred the right hon. Baronet to a report of the Common Council itself, and which was made in 1836. From that they obtained some insight into the corporation. There the right hon. Baronet might see what was the vast extent of public money that was taken in taxes, not only in the city of London, but from the inhabitants of the whole of the metropolis. Why, the right hon. Baronet would find from that report, that the cost of the corporation of London, in proportion to the number of its inhabitants, was very nearly twice as much as the cost of the Government of this country was in proportion to each individual in the population, and in this calculation he included the payment of the debt, the army, navy, colonies and all. For instance, there was the office of Lord Mayor. They saw a dignified civic officer, sitting down at the head of the civic table at Guildhall, surrounded with the great nobility of the land, by bishops and archbishops, by judges, her Majesty's great officers of state, and her Majesty's ministers. He passed no reflection upon his right hon. Friend the present Lord Mayor, for none could fill the office with greater credit, or, as Lord Mayor, better sustain what was called the hospitality of the City. He did not complain even of any Lord Mayor who had preceded the present. He only exhibited the system; and he did not mean to say that, if he were in the same situation, he would not act himself as they had done, for he did not pretend to virtue more than any other man; but it was the system that he complained of. The cost, he could tell them, of a Lord Mayor of London was prodigious. Gentlemen would be surprised, who were present at these feasts, when he informed them that the whole amount of the feasting came from taxes upon bread, potatoes, coals, salt, and other necessaries of life consumed by the inhabitants of London. The poor who lived in their garrets, aye, and in their cellars, contributed to the City taxes, for the purpose of maintaining these splendid feasts, at which the great men of the land were partakers. Such things, he said, ought not to be permitted. He challenged any Lord Mayor who had passed the civic chair to show that they had not pocketed a large amount of the salaries allowed them. In 1836 an application was made to all the aldermen who had passed the civic chair for a return of their expenses, for there were many items that did not appear in any account at all. These aldermen were called upon to state the amount that they had received; and they all refused but one —that was Sir Peter Laurie, who stated that he had received 7,900*l.* He could not conclude without expressing the hope that the corporation would not be allowed long to continue without reform.

Sir *James Graham* intended to intrude but for a very short time upon the attention of the House. He confessed that he had almost anticipated from the speech made by the hon. Gentleman, that, instead of seconding the motion of the noble Lord it was his intention to have moved, that it be an instruction to the committee that the corporation of the City of London should be included in one of the schedules of the bill. It was not, he confessed, his intention to become the assailant of that corporation, or to do that which the hon. Gentleman had recommended him to do—to undertake its reform. He thought at the present moment he had quite sufficient to do, without placing upon his shoulders this new burthen. He found that he had already excited a good deal of feeling out of doors, and had incurred no small share of obloquy, by venturing to bring forward the education clauses in the Factory Bill; and then he had undertaken he was afraid, with a considerable degree of rashness, to bring forward a bill, which would affect the medical profession — a task in which it was to be anticipated that difficulties might be encountered. But those difficulties would be of trifling import compared with the difficulties which he would have to encounter, were he to make the attack on the Corporation of London which the hon. Gentleman recommended. For, notwithstanding the divisions which the hon. Gentleman said prevailed in the corporation, he was sure that the first motion of an assailant character, of which notice was given in that House, would unite its members, as one man, to resist the attack. But if he would not be the assailant, so neither did he intend to become the defender of the corporation. Its defence might be more safely entrusted to the hands of the Lord Mayor of London, whom he saw opposite; and he was quite sure that the noble Lord (Lord John Russell) who sat next but one to him, if from no other motive but gratitude, would assist him. But, if the right hon. Gentleman would take his (Sir J. Graham's) advice, he would postpone his defence to a more opportune season. Time reminded him that an occupation quite as necessary, and more congenial to the habits of a Lord Mayor called. He might be allowed to say, that he cordially agreed in the eulogium pronounced by the hon. Gentleman on the Lord Mayor—to express the sense which he entertained of the manner in which the right hon. Gentleman had performed his duties—to add, that the manner in which his hospitality had been maintained, and the demeanour which had characterised him in his office, must not only have exalted him in the opinion of the citizens of London, but must have added to the good will which he had enjoyed before. With the permission of the House he meant very shortly to state the reasons why he offered his opposition to the second reading of this bill. The noble Lord had stated to the House on a former occasion, when he had moved for leave to bring in a bill, that it was not necessary for him to open fully the nature of the measure that he meant to propose. Now amongst other reasons that he had for resisting the bill of the noble Lord was this, that the country was taken quite by surprise by this measure. He had reason to know, from information which he had received that morning, that there were corporate towns which would be affected by the bill that had not the slightest notion that it was intended to propose a measure of this description. There were no petitions complaining of any abuses [Lord *John Russell*, hear, hear.] The noble Lord cheered him. He knew very well that the noble Lord relied on the report which he had read. He wished now to go shortly through the whole of this case. What was the report the noble Lord relied upon? Were there any grievances. Were there any abuses which were now revealed for the first time. The date of the report on which the noble Lord relied, was 1834, and immediately preceding the Municipal Reform Bill. The noble Lord had cognizance of these abuses for above eight years. The noble Lord had deliberated on this subject, when he brought forward the Municipal Reform Act. Then either the noble Lord considered such corporations so small as that they were unworthy of legislative notice; or, dealing with what he conceived to be the greater grievances, and which demanded immediate attention, he had postponed them as matters which might well wait for some legislative measure for two or three years to come. The noble Lord held power for six years after the passing of the Municipal Reform Act, and yet whilst he held power he never thought it necessary to propose any measure on this subject. This long delay while the noble

Lord held power, showed that he did not consider these things of which he now complained to be crying evils; and it would even appear, that the idea of touching those corporations was at least but an idea taken up in haste. He said that there were symptoms of haste, in the preparation of the bill. First of all, there was a class of boroughs returning Members which were included in schedule C; it would appear as if they were to be abolished entirely, whereas, it was now stated that they ought to have been placed in schedule D, and were intended to retain their corporate character. Then there was another regulation by which every man paying 40*s.* a year would be entitled to the franchise, and this would give to every such person in four out of the six boroughs, the right of voting for Members of Parliament, thus greatly extending the franchise. Then there was Woodstock. That corporation was not to be included in schedule A or B, and yet the noble Lord dealt with Woodstock, for the mere purpose of changing the name of the returning officer. Instead of being "the mayor," he was henceforward to be called "the baliff." The noble Lord dealt with Woodstock for no other purpose than that of changing the name of the returning officer. That, he said, was another proof of haste. Then there was another clause, by which officers ceasing to be mayors and becoming bailiffs, were to be returning officers for the ensuing year; but it did so happen that after the ensuing year, there was no provision made as to who was to be returning officer. The noble Lord stated in the bill, that for certain disqualifications *quo warranto* writs should not issue; but there was in this bill no enumeration whatever of the nature of the disqualifications to which that clause should apply. He (Sir J. Graham) produced these only as proofs that this measure had been taken up in haste by the noble Lord, and that it had been prepared without that caution and care which appeared to him to be absolutely necessary in the preparation of such a measure. By the first clause of this bill the noble Lord proposed to abolish entirely and summarily eighty-five charters of incorporation, and some of them the most ancient in the country. The noble Lord said, they ought to have similarity of legislation and identity of principle. It was on this ground that he took his stand in resisting the bill. If the House would look at clause 4, it applied to thirty-two corporations. He would beg to call the attention of the House to the new principle introduced in clause 4. The analogy had been carefully preserved in the Municipal Reform Act, between the new constitution in the towns to which it applied, and the old principle of legislation and delegation in corporate towns as to trusts exercised by trustees delegated by the constituent body. The noble Lord in the 4th clause, introduced an entirely new principle; he put an end to legislation and delegation of trustees *quoad* representatives and vested an absolute power, as to trusts, in the rate-payers of the town in vestry assembled; and he did not delegate that power to their representatives, but it was to be exercised indirectly through the overseers, their appointed servants. The practical operation of the plan would be most extraordinary; the noble Lord, not trusting even that popular body to whom for the first time such large powers were to be given, imposed upon them a discretion which they were to exercise under these limitations, viz., they were not to apply one shilling of the money, even with the sanction of an overwhelming majority in vestry assembled, and even though they thought it was for the public good so to appropriate any surplus revenue, to the diminution of the poor-rate, or to the extinction of the church-rate, or for any other purpose by which the burthens upon the rate-payers would be reduced. Then, again, the noble Lord gave the vestry a complete control over all the trusts, and there were some ancient trusts which by this arrangement would be abused or diverted from their purpose. For instance, there were some trusts connected with the Established Church, and in many cases some of the inhabitants in vestry assembled, being conscientious Dissenters from the Church of England, might, with the noble Lord's assistance, given to them by this bill, divert the funds from their original purposes, although they were strictly defined by those who had made the bequests. He thought, indeed, that it was inevitable that those trusts would be set aside, and the funds applied to objects diametrically opposite to those intended by the founders. The noble Lord had relied upon one particular case—that of Queenborough, and it was true that very serious abuses existed there; but that case had not been overlooked by her Majesty's Government. The law officers of the Crown were investigating it for the purpose of obtaining evidence to go before the Court of Chancery, in order to file a bill of discovery, and if it should be found, as probably it would be, that there had been gross perversion of the trusts and malversation in the administration of the funds by the corporators, every effort would be used by judicial authority to make those corporators refund. With respect to the proposal for abolishing the chartered coroners and justices of the peace of these boroughs, he (Sir James Graham) must say, that he entertained very great doubts whether it conduced to the credit of these corporations, or to the advancement of justice, that the officers who were charged with the execution of their local trusts should perform the functions of justices to administer the criminal law. He thought that in such places it would be better that Ministerial functions of this kind should be performed by the magistrates and coroners of the counties. These were points which were open for consideration at some future period; but he thought, on the whole, with regard to this bill, for which he could see no necessity, and which, as he had shown, had not been prepared with sufficient care to be capable of practical application, that its further progress should be postponed. With regard to the suggestion that the affairs of the city of London required the mending hand of legislation as much as others, he did not wish to enter upon that question at present, but he must say that there was such a thing as straining at a gnat and swallowing a camel, and that whilst the city of London was allowed to retain all its privileges untouched and unimpaired, it was not too much to ask that a few small Welsh boroughs should be also left unharmed. The right hon. Gentleman concluded by moving, as an amendment, that the bill be read a second time that day six months.

The *Lord Mayor* said, that very erroneous opinions prevailed respecting the Lord Mayor's expenses. What was the income of the corporation? 156,354*l.* It was raised from the following sources:—Rents and quit-rents, 56,896*l.*; renewing fines for leases, 723*l.*; markets, 17,126*l.*; tolls and duties, 7,067*l.*; coal and corn dues, 60,881*l.*; bequests, 135*l.*; brokers' rents and fines, 3,892*l.*; admissions to the freedom of the city, 4,518*l.*; there were two other items, interest and incidental receipts, making up the total amount of the 156,000*l.* The corporation, then, did not swallow down so much as had been stated. What was the expenditure? The charges on the *contra* rents, revenues, and income of the corporation was, in the first place, in aid of the improvement fund, 11,500*l.*; on the corporation rental, including the management of estates 6,999*l.*; on markets, 8,995*l.*; on tolls, duties, offices, &c., 24,664*l.*; on brokers' rents and fines, 278*l.*; these items made a total of 52,437*l.* out of the 156,000*l.* Then there were the expenses of the magistracy of the City of London, which, including all the officers, and 10,118*l.* for the police, were 18,279*l.* Then, all the prisoners in the City prisons were maintained at the expense of the corporation, for there was no county-rate for the purpose. The expense of Newgate was 9,223*l.*; of the House of Correction, 7,602*l.*; of the Debtors' Prison, 4,955*l.*, with the general prison expenses, 26*l.*, making together 21,809*l.* The charges for the administration of justice at the Central Criminal Court, were 12,182*l.*; the office of coroner, 840*l.* Here there was a further total of 53,120*l.*, which, added to the former, amounted to 105,000*l.* out of the 156,000*l.* Then, the expenses of the conservancy of the Thames and Medway were 3,117*l.*; the expense of the civil government of the City, including every expense belonging to it, and all the officers, solicitors, and state persons attached, was 24,446*l.*; of the Borough Compter and magistracy, 1,541*l.*; of sundry public buildings, 123*l.*; of charitable donations, pensions, and honorary rewards, 6,805*l.* Payment in respect of the arrangement for purchasing the right of alienation of offices, 2,100*l.* Bequests not charged on the property of the corporation, 302*l.* Sundry miscellaneous and incidental expenditure, much of the money being given away, 3,913*l.* Contribution in aid of an improvement in Newgate-street, 2,000*l.* These items, with interest and annuities, made the total of expenditure 150,979*l.* But, besides that, the corporation had last year paid off 10,000*l.*, which they had previously borrowed. The hon. Gentleman had been himself once a member of the corporation of the City of London, and had endeavoured to obtain the popularity necessary to enable him to become an alderman, but he could not attain that share of popularity; and being disappointed, he had since endeavoured to do all in his power to throw odium on the corporation. There was one thing which the hon. Gentleman did which had ever since been scouted. He held in his hand the hon. Gentleman's own book, signed by himself, and he would just read the propositions which he had there made. The hon. Gentleman had estimated the expense of building the Mansion-house at 70,900*l.*, additional expenses and repairs 5,000*l.*, making a total of 75,900*l.*; and he proposed to charge 7 per cent. upon this amount to the Lord Mayor for the time being. He had then estimated the value of the site of the Mansion-house, supposing it were pulled down and occupied by shops, at 23,000*l.*, and he proposed to charge 4 per cent. upon this sum against the Lord Mayor. He then estimated the expense of the library, the state-barge, and other items, at 22,000*l.*; and he charged 7 per cent. on this sum against the Lord mayor, making a total charge which the hon. Gentleman proposed to inflict upon the Lord Mayor of 8,000*l.* a-year. [Mr. *W. Williams*: Go on—go on.] No: he had said he would not detain the House unnecessarily with details of this kind, and he thought he had said enough on this score. The hon. Gentleman then went on to speak of the splendid income which the Lord Mayor received, and which the hon. Gentleman said he would as splendidly expend. Now that I doubt. The hon. Gentleman, the author of this book, had then gone on to assert that everything was provided out of the corporate funds for the Lord Mayor, during his stay in office. Now, the fact was the very reverse. There was nothing provided for him but the House and its appurtenances; every other expense, including lighting, servants, the porters at the doors, and there were some five-and-twenty servants in the establishment, was paid out of the pocket of the Lord Mayor. What the Lord Mayor received to meet all these charges was 8,000*l*,, out of which he had to pay 1,500*l.*, before he got anything for the entertainment at Guildhall, and he would leave it to the House to judge if he could keep up the usual hospitalities of the City, and lay anything by out of the balance. For his own part, he only knew that it cost him a great deal more than he received; and he hoped that Noblemen and Gentlemen who had done him the honour of dining with him at the Mansion-house, would do him the credit of believing that he should be very sorry to invite them if he thought that in so doing he was asking them to eat the poor man's bread. He was quite sure, on the other hand, that if the hon. Gentleman who had written this book were to find himself called upon to do the honours of the Mansion-house (he had no chance of doing so, however), he would forthwith get rid of the paraphernalia of a Lord Mayor's-day, and of all other lavish expenditure, and would put a very large sum of money into his pocket. He was only sorry the hon. Gentleman would never have the opportunity.

Mr. *W. Williams* wished to explain. The right hon. Gentleman had said that he had sought to obtain the office of Lord Mayor. In this the right hon. Gentleman was perfectly mistaken. The fact was, that during the time he had resided in the City of London he had been offered all the situations in the corporation. That was, he had been applied to to fill the office of sheriff, and had been invited by three different wards to serve the office of alderman. He certainly had been, during two years, and a short period longer, a member of the common council. He had been solicited for many years to become a member of the common council, but had always declined, until the City authorities adopted the extraordinary part of refusing all information to the citizens in reference to the management of their affairs, and he then consented to go into the common council, in order to bring this matter to an issue, and, having succeeded in obtaining the information which was printed in this book, he retired.

Mr. *W. Howard* wished to know from the right hon. the Secretary for the Home Department, whether he had any intention of extending to Malmesbury the same course of investigation as he had adopted in regard to Queenborough? He believed that this place afforded as gross an instance of peculation, malversation, and corruption as any borough corporate in England.

Sir *J. Graham* said, that if any facts tending to support a charge of misconduct on the part of the borough of Malmesbury were brought before him, he should be ready to take them into consideration.

Lord *J. Russell*, in reply, said, that whenever the hon. Gentleman behind him brought forward his motion for the reform of the corporation of London, he should be quite ready to consider it; and he thought the corporation could not be in better hands than those of the right hon. the Lord Mayor, who had not only given an able answer to the attack of the hon. Member for Coventry, but had by his hospitality so far allayed the enmity of a more formidable foe, as to induce him to "give perpetual prosperity to the corporation of the City of London," at a recent festivity. The right hon. Gentleman had given some reasons why the House should not agree to the second reading of this bill; and one of his objections was to certain misprints in the present copy. Why, in a most important bill introduced by the right hon. Gentleman himself, several very extensive alterations were made after it had been allowed to be read a second time. The right hon. Gentleman had reproached him with having left the subject untouched for eight years. He was afraid that in several cases many minor and private grievances had existed; but it was not easy to legislate for them. When, however, in the course of last year, the case of Queenborough was laid before him, when he found that out of 120 houses fifty were unoccupied, and that the people were obliged to emigrate, and when he was called upon to redeem a pledge which he had made some years ago, he thought he could not refuse or refrain from introducing such a bill as the present. The right hon. Gentleman had now proposed as his remedy for the existing abuses, that the parties should go before the Court of Chancery. How could people who were suffering distress for want of occupation go to the Court of Chancery? Was that to be their only remedy, after another year's pause? Must they waste more time in appealing, first to the Vice-Chancellor, and afterwards to the Lord Chancellor, and perhaps elsewhere? Was that the remedy which the right hon. Gentleman proposed for a practical grievance? It appeared to him that the right hon. Gentleman would rather screen the self-elected corporation, than prevent or punish their abuses by his opposition to this bill.

The House divided on the question that the word "now" stand part of the question. —Ayes 46; Noes 99:—Majority 53.

List of the AYES.

Aldam, W.
Barnard, E. G.
Bernal, R.
Brotherton J.
Busfeild, W.
Carew, hon. R. S.
Cayley, E. S.
Christie, W. D.
Craig, W. G.
Dalmeny, Lord
Evans, W.
Fitzroy, Lord C.
French, F.
Gisborne, T.
Gore, hon. R.
Grey, rt. hon. Sir G.
Howard, hon. C.W.G.
Howard, hon. J. K.
Howard, Lord
Howard, hon. H.
Langston, J. H.
Lord Mayor of London
Marsland, H
Mitchell, T. A.
O'Brien, J.
O'Brien, W. S.
Plumridge, Capt.
Ponsonby, hn. C. F.C.
Russell, Lord J.
Russell, Lord E.
Scholefield, J.
Smith, rt. hn. R. V.
Stuart, W. V.
Thornely, T.
Towneley, J.
Trelawney, J. S.
Turner, E.
Villiers, hon. C.
Wall, C. B.
Ward, H. G.
Williams, W.
Wood, B.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the NOES.

Acland, T. D.
Adderley, C. B.
Allix, J. P.
Baillie, H. J.
Bankes, G.
Baskerville, T. B. M.
Beresford, Major
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Broadwood, H.
Bruce, Lord E.
Burrell, Sir C. M.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Cochrane, A.
Corry, rt. hn. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Douglas, Sir H.
Douglas, Sir C. E.
Duffield, T.
Egerton, W. T.
Eliot, Lord
Escott, B.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Fox, S. L.
Gladstone,rt.hn.W.E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, W. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hampden, R.
Hardinge,rt.hn. Sir H.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, G. W.
Irving, J.
Jermyn, Earl
Jocelyn, Visct.
Joliffe, Sir W. G. H.
Kelburne, Visct.
Knatchbull,rt.hn.SirE.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
M'Geachy, F. A.
Mahon, Visct.
Miles, P. W. S.
Miles, W.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S
Palmer, R.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Pollock, Sir F.
Pringle, A.
Rolleston, Col.
Rose, rt. hn. Sir G.
Round, J.
Russell, C.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.

Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Walsh, Sir J. B.
Wood, Col.
Wood, Col. T.

TELLERS.

Fremantle, Sir T.
Baring, H.

Main question, as amended, put and agreed to. Bill put off for six months.

House adjourned at a quarter past seven o'clock.

HOUSE OF LORDS,

Thursday, April 27, 1843.

MINUTES.] BILLS. *Public.*—1ª· Testimony in the Colonies; Common Law Courts Act Amendment; Law of Succession in Moveables Amendment (Scotland).

2ª· Schoolmasters Widow's Fund (Scotland).

Private.—1ª· Cromford and High Peak Railway; St. Helen's Water Works.

2ª· London and Brighton Railway.

PETITIONS PRESENTED. By Earl Stanhope, from Dublin, against any further Grant to Maynooth College.—By the Bishops of Rochester, and Durham, from the Isle of Ely, Lindisfarne, Hertingfordbury, Stapleford, Bramfield, Sacombe, St. Andrew's, Hertford, Stockton-upon-Tees, Wells, Wolverhampton, Llansannan, Gravesend, Milton, North Ewell, West Andover, and Fordingbridge, against the Union of the Sees of St. Asaph and Bangor.—From Worcester, for Medical Reform.—From the Prisoners for Debt in the Queen's Prison, for Postponing the Operation of the Queen's Prison Act.—From Nottingham, and Beverley, against the Bankrupt Law Amendment Act.—From Harting, Trotton, Terwick, Rogate, and Bepton, against the Importation of Corn from Canada at a Low Duty.

ADDRESS OF CONDOLENCE—THE LATE DUKE OF SUSSEX.] The Duke of *Wellington*: My Lords, I now proceed, in conformity with the notice which I gave on Tuesday last, to move your Lordships to agree to an Address to her Majesty, expressive of your Lordships' deep concern on the occasion of the death of his Royal Highness the Duke of Sussex, and of your condolence with her Majesty on the loss which she has sustained. My Lords, his late Royal Highness was well known to all your Lordships. His Royal Highness frequently took part in the discussion of those subjects which came under your Lordships' consideration; and although it was impossible for every person endowed with such acquirements, and possessed of such an understanding, as belonged to his late Royal Highness, not to have felt strongly on the various events and questions which from time to time were brought under the consideration of this House, yet we ought to recollect that his late Royal Highness had always treated those subjects, however exciting they might have been, with much moderation, and with great forbearance towards the feelings of others with whom he might have a difference of opinion. I must do his late Royal Highness the justice to say, that though I had the unhappiness to differ from him in opinion on various subjects which came under discussion in this House, yet, notwithstanding that difference of opinion, his late Royal Highness ever treated me with unvarying kindness, and with the utmost condescension. My Lords, his late Royal Highness having received the benefit of an excellent education, and having in his youth passed a considerable portion of his time in foreign countries, was a most accomplished man; and he continued his studies, in all branches of literature and science, until almost the latest period of his existence. His late Royal Highness was during his whole life the protector of literature, of the sciences, and of the arts, and of the professors and representatives of all branches of knowledge. For a number of years his Royal Highness was elected president of the Royal Society, and he received the members of that learned body in his house with the greatest amenity and kindness. Having himself sedulously cultivated all subjects of literature, science, and art, his late Royal Highness was, I may say, the patron, protector, and friend of all those who pursued such studies, on every occasion when that protection was necessary. But other praise belongs to his late Royal Highness. His Royal Highness was not backward—on the contrary, he was equally forward with all the princes of his family—as a patron and upholder, as a supporter and protector, of the various charitable institutions of this great metropolis; and, my Lords, up to the last moment of his life, he was the friend of the indigent and the unfortunate wherever they might be found. Under these circumstances, I hope your Lordships will be induced to agree to offer to her Majesty an address expressive of your condolence for the loss which she has sustained. I shall therefore move—

"That an humble Address be presented to her Majesty, to express the deep concern of this House at the loss which her Majesty has sustained by the death of his Royal Highness the Duke of Sussex, and to condole with her Majesty on this melancholy occasion; and to assure her Majesty, that this House will ever participate with the most affectionate and dutiful attachment in whatever may concern the feelings and interests of her Majesty and her illustrious house."

The Marquess of *Lansdowne* said, although, my Lords, I am perfectly aware that no words and no arguments can be wanting to induce your Lordships to give your unanimous approbation, and your heartfelt sympathy to the motion which the noble Duke has made, yet, when I consider how many there are among your Lordships who, for a long period of years, had been honoured with the personal friendship, and had experienced the unremitting kindness of the illustrious prince who is the subject of the noble Duke's motion, I think it will not be deemed superfluous that I should add a few words to the statement which has been made in so kind a spirit, with so much feeling, and with so much ability, by the noble Duke. The illustrious prince who is the subject of his motion, had been, from a variety of circumstances, to which it is unnecessary for me to allude, in the possession of means comparatively circumscribed—I mean comparatively circumscribed in relation to that standard which belongs to the station which he held in society; but, however limited those means may have been, I believe there is hardly one of your Lordships who does not know that they were, constantly and generously (and, perhaps, in some instances, almost too generously), applid to every laudable, and to every humane object. My, Lords, I say, and I do firmly believe, that if any future writer or historian of the Royal Society for the last half-century should endeavour to depict the progress of that society, and to analyze its details, I do believe he will find, that during that long period, there had been no one movement, there had been no one act for the promotion of useful science or for the spread of useful instruction, and though last, not least, for the awakening the spirit of enlightened charity in the public mind of this country, with which his late Royal Highness's name has not been most closely and constantly connected. My Lords, if it may with truth be said of this illustrious person, that the circle of those courtesies and attentions which derive peculiar value and importance from the station of the person from whom they come was by him extended to the utmost limits which his knowledge and observation permitted, and that those courtesies and those attentions have never in any one instance been withheld from any person or from any object that was worthy of them,—and if, in addition, it may be averred with reference to that more narrow circle of private and personal relation and enjoyments which belong to every station, his Royal Highness was enabled to form solid, honourable, and estimable friendships, no one of which had ever been forfeited by him to the last hour of his life, I say, my Lords, that if both of these things can be truly said of him who has departed, and I am convinced that they can be said with the most perfect truth, then I know of nothing that is wanting to entitle him, his character, and his memory, to that unfeigned respect on the part of this House and on the part of the public which is justly due to him as a British prince, and I will venture to add, as a British gentleman. With these feelings, I now beg to express my entire concurrence in the motion which has been made by the noble Duke; and, upon the part of all those who have had the honour of being admitted to the personal friendship of the illustrious prince, I will venture to add the expression of my unfeigned thanks to the noble Duke for the manner in which he has brought the motion under the consideration of your Lordships.

The Marquess of *Northampton* said, that from the situation which he held, as president of the Royal Society, he felt that he should not be doing justice to that body, if he did not express, in their name, the deep sense they entertained of the eminent benefits which had been conferred on them by the illustrious object of the present motion. His Royal Highness had exerted himself to the utmost, to forward, in every way, the interests of the institution over which he had for some years presided. It was most truly observed by his noble Friend who had just sat down, and by the noble Duke who had proposed this motion, that his late Royal Highness had sedulously studied every branch of science and of art; and it was, he might be permitted to add, a remarkable and a happy feature of our time, that all the members of the royal family took a very great interest in studies of the same elevated and ennobling description.

Motion carried *nemine dissentiente.*

The Address was ordered to be presented to her Majesty by the Lords with white staves.

Adjourned.

HOUSE OF COMMONS,

Thursday, April 27, 1843.

MINUTES.] BILLS. *Public.*—1°· Superior Courts; Arms (Ireland).

Private.—2°· Kentish Town Paving.

Reported.—St. James's (Westminster) Improvement.

3°· and passed:—St. Helen's Waterworks; South Eastern and London and Croydon Railways.

PETITIONS PRESENTED. By Messrs. A. Chapman, Trelawney, Busfeild, Divett, Pritchard, Farnham, Evans, Broadley, Ward, H. Berkeley, Scholefield, Davis, R. Trevor, E. Smith, Christopher, Ord, Barnard, Becket, Ainsworth, H. Hinde, R. Yorke, Cavendish, Hardy, and Brotherton, Sir H. Hardinge, Dr. Bowring, Sir G. Staunton, Captain Rous, Lord Norreys, the Attorney-General, Lord Alford, Colonel Fox, Lord Sandon, Lord Pollington, Sir G. Strickland, Colonel G. Langton, Lord Arundel, and Captain Plumridge, from an enormous number of places, against the Educational Clauses in the Factories Bill.—By Sir R. H. Inglis, from the Clergy of Lancaster, in favour of the Factories Bill with modifications.—By Dr. Bowring, from Blackburn, and twenty other places, for the Total and Immediate Repeal of all Corn and Provision Laws.—By Colonel G. Wyndham, from six places in Sussex, against the Importation of Corn at a Low Duty from Canada.—From an Anti-Slavery-Society, against Portions of the American Treaty.—From Whitechurch, Meline, and Eglwyswrw, for the Repeal of the Roman Catholic Relief Act.—From Lichfield, for Church Extension.—From Amphthill, and Howden, against the Ecclesiastical Courts Bill.—From a Mercantile Society in London, for carrying out Rowland Hill's Plan of Post-Office Improvement.—From Newark, and Festiniog Unions, for the Repeal of the Registaation Act.—From Whitby, against the new Bankruptcy Act.—From Worcester, for Medical Reform.—From Torksey-cum-Membris, against any further Grant to Maynooth College.—From Lostwithiel, against the Municipal Corporations Bill.

REPEAL OF THE UNION—NOTICES OF MOTIONS.] Mr. *Lane Fox* gave notice that on the 11th of May, he should move a resolution with a view to put a stop to the agitation for the repeal of the union, and to call on the Government, if it have not sufficient power to attain that end, to ask for the necessary power. He should, on the same day, move that the House be called over. He had waited for the hon. Member for Cork, but not seeing him in the House, he now gave these notices.

Sir *R. Inglis* would, on the same day, submit a motion to the House to consider some plan with a view to prevent the indecorous rivalry of Members on both sides of the House trying to get the start of each other in giving notices of motion. At the same time, in the name of his hon. Friend, the Member for Newcastle-under-Lyne, he gave notice for a motion on May the 11th, on the subject of Tahiti.

Mr. *T. Duncombe* begged to call the attention of the House to a point of order. The hon. Baronet, the Member for Oxford, had adverted to the indecorous rivalry of hon. Members to give notices, and had given notice of a motion on the subject. The hon. Baronet had, at the same time, given notice of a motion for another hon. Member who was in the House; and he believed, that such a proceeding was contrary to the rules of the House. In doing this, he would not say, that the hon. Baronet had been actuated by any indecorous spirit, but the hon. Baronet had, by giving a notice of his own, endeavoured, he thought, to steal a march on other hon. Members. He begged to ask the Speaker whether one hon. Member could give a notice for another when that other hon. Member was in his place?

Sir *R. Inglis* was not aware, when he gave a notice for his hon. Friend, that his hon. Friend was in the House. His hon. Friend had written to him from the country, and he was not aware that in giving his notice he was violating any rule.

The *Speaker* explained, that it was the practice for one hon. Member not to give notice for another hon. Member, when that other was present. If present, he must act for himself, and not by another. He thought it would be advisable that some rule should be adopted with a view of securing order and regularity in giving notices. He knew no better plan than of hon. Members putting down their names, and drawing lots for precedence before five o'clock.

Mr. *Hume* recommended, having recourse to the ballot, as formerly.

The subject at an end, the notice given by Sir R. Inglis having been withdrawn.

HARBOURS BETWEEN PORTSMOUTH AND THE THAMES.] Mr. *Mackinnon*: In rising to move for a committee for the purpose of investigating the Revenue, Expenditure, and present condition, of the Harbours from the Thames to Portsmouth, I will as concisely as the subject will admit, state the object of my motion. It is a subject of very great importance to the trade of the empire, and to the security of navigation. I am aware that a committee on shipwrecks is now sitting, but that committee will confine its enquiries to the question how far it is expedient to educate mates and masters of ships for the merchant service, or to find some place of refuge in bad weather, the committee that I require is to supply funds for a harbour of refuge, or to give back to the Treasury large sums now raised by tolls to no purpose, or, if these sums, it appears, are not required, to ease the shipping interest of a heavy and useless payment of dues, which dues at present are wasted in a manner unprofitable to the country or to navigation. The House is aware, that in 1840 a commission was named by the Queen, to ascertain the best site for a harbour of refuge on the coast. The report of that commission stated, that amongst other places, that between Margate and the North Foreland, the other in Dover Bay, and a third near Beachey Head, were elegible for the purpose; and that the cost of a harbour of refuge might be about two millions. Mr. Cubitt the engineer, however, thought a harbour might be formed at a much less cost, to answer the purpose equally well. The House must understand, that by a perfect harbour of refuge, is meant a harbour accessible at all times of the tide by vessels of any tonnage, the mouth of which is so placed as to be entered easily with the most prevalent wind. Every person of the slightest knowledge in maritime affairs, must be aware of the vast importance to our trade of such a harbour, both in times of war and of peace, particularly as every year steam navigation, and the intercourse between nations considerably increase. I am one of those, who do not anticipate the probability of war, but think there is no doubt that the communication between England and other nations will considerably increase. Now such a harbour of refuge in one of the spots just enumerated, is most desirable. I am fully aware, that the Treasury of the country ought not, if possible, to be called on to supply the means, and I think I can point out to the House some method of obtaining a fund for that purpose, without increasing the burthens of the country. If the funds received from tolls on passing ships are now wasted or misapplied, why should these funds not be made applicable to the formation of a harbour of refuge? If the House do not sanction such an application, then ease the shipping interest of the burthen, and levy no more on the commerce of the country than the amount absolutely required to keep the present harbours in repair. That such tolls so levied are misapplied, I will now prove to the satisfaction of the House. I will begin with Ramsgate Harbour, and "*ex uno disce omnes.*" The House must learn, that by an old Act of Parliament, the trustees of Ramsgate Harbour levy 4*d.* a ton on all foreign ships, and 2*d.* a ton on all British ships that pass the Foreland which are above 300 tons burthen: those under that tonnage pay rather less. This tax is levied to keep up Ramsgate Harbour, and to be continued as long as this harbour wants repair! By this paper in my hand, printed by order of the House on my motion last month, it appears this rate in 1841 gave to Ramsgate Harbour 19,065*l.*; and with some other dues the trustees obtain an average income of 20,651*l.*, besides a balance in hand of 5,694*l.* Now I will show by evidence that 7,000*l.* a-year is more than sufficient for the repairs of Ramsgate Harbour, which harbour, it is notorious, cannot receive vessels above 450 tons burthen—so you tax British and foreign vessels 4*d.* a ton, for a harbour which can by no possibility be of any use to them. Was there anything so monstrous, so absurd, or so unjust? You commit an act of injustice by such a toll; and you injure all the other harbours on the coast, because it is notorious that foreign vessels will not, for fear of paying this unjust toll, stop at any English harbour if they can possibly help so doing; but they run over to the French, or Belgian, or Dutch coast, where such exactions are not made; the result is an injury to our sea-ports, by preventing the expenditure of foreign ships in them. Now to show the House the waste of money that takes place at Ramsgate, I will refer to the evidence of Sir William Curtis, the head of the trustees of that place in 1822:—

"Foreign Trade Committee,
April 26, 1822.

"Sir W. Curtis examined.

"*Q.* What ought to be the annual charge of keeping the Harbour of Ramsgate in repair?—*A.* It will require some little calculations from the books to answer that.

"*Q.* Do you think that from 5 to 7,000*l.* a-year would be sufficient?—*A.* Yes, it might do.

"W. Domett, Esq. examined (p. 276).

"*Q.* Do you consider the benefit to the shipping to be in proportion to the money laid out at Ramsgate?—*A.* Far from it; many thousand pounds have been laid out, of no use whatever. Men are constantly hammering stones.

"*Q.* Do you consider the benefit to the harbour adequate to the expenditure of 20,000*l.* a-year?—*A.* No, certainly not; far from that. (p. 271.)

"George Good, Esq. examined.

"*Q.* What has in the last six years been laid out on Ramsgate Harbour?—*A.* 147,538*l.* with little or no advantage.

"*Q.* Do you think the advantage derived from Ramsgate a sufficient compensation for the expense drawn on the shipping?—*A.* No, certainly not.

"*Q.* Do you know the manner in which the duties are levied on foreign shipping?—*A.* I do not; but I know it is that of which they very much complain."

Not to fatigue the House by reading all the evidence, I will only add, it appears that in 1822 the committee said that 8,000*l.* a-year was quite sufficient for Ramsgate Harbour; since which period the trustees have received upwards of 400,000*l.* Some years ago, a banquetting-house for the trustees to dine in, only once in each year, was erected, and it has cost 3,500*l.*: it is of no use whatever; and that from its first formation to the present time, that harbour has cost the commerce of the country an enormous expenditure, not less than 1,500,000*l.* To sum up the evidence of Sir W. Curtis, an unwilling witness, Captain Domett, and Mr. Good, it appears this harbour is of no use but to small vessels about 350 tons and under, can only be entered at particular times of the tide, and that in a gale of wind, when shelter is required, the danger of entering the harbour is very great; and that the sum of 7,000*l.* a-year is quite sufficient for every possible purpose required. Now what is the case—the sum of 20,000*l.* a-year is collected by dues on large vessels, British and foreign, to which the harbour can be of no possible use, and this money is wasted in the most wanton manner. Let one of these two measures be adopted—either relieve the shipping interest from these most vexatious, useless, and unjust tolls, or, if they are continued, apply them to some useful purpose. Why not in the latter case commence a harbour of refuge in some eligible spot on the coast? the surplus fund from Ramsgate Harbour alone would be, say 12,000*l.* a-year; from Dover Harbour, probably, 8,000*l.*, besides many others; here you have at once a fund of, say 20,000*l.* a-year, which will establish a sinking fund, or, pay the interest of 400,000*l.* for a harbour of refuge, and not put the country to one shilling more of expense. At the same time, I am fully aware of the talent and ingenuity, and of the powerful interest both in this House and out of it of the trustees of harbours, and of other parties connected with these tolls; but let us have fair play—let the House give me a committee; I defy them to disprove one single assertion that I have made. The right hon. Gentleman, the Member for Kent, shakes his head; well, I call him to the proof—let us have a committee; if he can disprove any material assertion I have made, I will admit he is right. But why shrink from the severe test of an examination and of a committee if all is right. I repeat, these abuses ought to be corrected—gross jobs cannot be tolerated in the nineteenth century—either prove as you ought to do before a committee, that the harbours on the coast from the Thames to Portsmouth require all the money they raise on tolls, or let that money be applied for the security of navigation, and the safety of seamen; or give up these at present vexatious and unjust tolls, and relieve the shipping interest from these burthens. Either investigate and prove the case, or let the trustees voluntarily relinquish those immense sums now extracted from vessels passing the Foreland. Let the House consider also, that these revenues will increase as commerce increases; and that the time is come when an investigation ought to be made of the manner in which these large sums are expended. I am aware of what I have to expect from the parties opposed to any inquiry—I well know their talent and ingenuity—but I trust the paramount duty of the Members of the House will supersede all other considerations, and that no further opposition will be made to a committee. Sir, I beg leave to move,—

> "That a Select Committee be appointed, to ascertain the revenue, expenditure, and condition of the harbours and lighthouses on the coast, from the mouth of the thames to Portsmouth."

Mr. *H. Curteis* said, that in seconding the motion, he begged to deny, as a commissioner for the harbour of Rye, the statements made by the hon. Member for Lymington as to the state of the harbours of Kent and Sussex. With regard to the job, and the costs of the Banqueting-house at Ramsgate, it did not apply to the borough with which he was connected. As to the state of the harbour at Ramsgate, he said nothing; but he thought the motion of the hon. Member opposite would be likely to be useful. He (Mr. H. Curteis) must repeat his denial of the charges urged as applying to Rye, the commissioners of which port courted the fullest inquiry.

Sir *C. Burrell* said, that Shoreham having been so pointedly alluded to, he could only repeat that which his hon. Friend, the Member for Rye had stated, namely, that the commissioners of Shoreham had no objection to the fullest inquiry into the mode in which they conducted the trust confided to them.

Sir *E. Knatchbull* said, he had no doubt, if all the other harbours attacked had representatives in that House, those Members would have risen to make similar declarations to those which had been uttered by the hon. Members for Rye and Shoreham. He, in common with those hon. Members, must defend Ramsgate from the charge of mismanagement alleged against the commissioners of the harbour. The subject had, however, been inquired into so lately as the year 1840, and why, therefore, should there be a new inquiry now instituted? The question was one which was rather for the Government of the country than for any select committee of the House, and on these grounds he must oppose the motion.

Mr. *E. Rice* said, he had long endeavoured to press upon the Government the importance of establishing harbours of refuge, and yet for two or three Sessions the report of the Select Committee of 1840 remained unattended to. Between Dover and Portsmouth there was not a single harbour which was not dry at low water, or which was capable of receiving war-steamers, &c. In time of war, it would be too late to remedy this evil.

Captain *Pechell* would call on the Member for Lymington to prosecute this inquiry. There was great necessity for it. He hoped, that the hon. Member would press his motion to a division. The debate appeared to him to have much the appearance of a sham fight.

Sir *C. Napier* thought, that the Government ought to take this question into consideration. Government, however, was very tardy about it. He had been forty-three years in the service, and had never known the Government take a single step towards the improvement of the harbours. His only objection to the motion was, that it did not go far enough; it ought to extend to an inquiry into all the harbours of the country, for from what he had seen of the accounts of shipwrecks during the past year, it was high time for the Government of the country to do something towards saving life and property now lost by shipwrecks. There was no part of England where a harbour was more required than at Ramsgate. There were continually 300 or 400 vessels riding in the Downs, and if it should blow a gale, it was impossible at low water for the vessels to run into any harbour, and they must run the almost inevitable risk of being lost.

Major *Beresford* rose to move an amendment, which would include the harbour of Harwich in the inquiry. There was no harbour from Languard Fort to Portsmouth, where vessels coming from the north coast could take refuge. During the south-east gales, 446 vessels had taken refuge in Harwich harbour, and from the shore having receded, and shingles accumulated, vessels were very often stranded there. He moved, to substitute Languard Fort for the mouth of the Thames.

Mr. *Lambton* did not see the necessity of this committee, if it were necessary to inquire into the propriety of doing away with the Passing Toll, the subject might well be referred to the shipwreck committee, which would have ample time for that inquiry if one might judge from the fact that that committee had only sat once before Easter, though it had then been appointed five weeks before that time; but the hon. Member had stated, that the object he had in view was to apply the surplus to making a harbour of refuge. The subject of harbours of refuge was one of immense importance, and ought to be taken up by the Government on their own responsibility. If they asked for a great national grant for that purpose, he was sure they would get the support of both sides of the House. It was important, first, because great national harbours of refuge, placed on the most exposed parts of our coast, would diminish the loss of life and of British property that took place every year from shipwreck. The committee of 1836 reported there was an average loss of British property to the amount of three millions, and of one thousand lives every year. It specified also, especially on the east coast, particular shipwrecks—with loss of many lives that never would have occurred if there had been a harbour of refuge there. In the second place, these national harbours of refuge would be important as great national defences in time of war. The French were not idle on this subject, and he had been informed that a large sum was voted every year for the improvement and enlargement of Calais harbour, and that in the course of a short time, Calais would cease, to be only a tidal harbour, and vessels of a large size would be able to find safe anchorage at all times of tide. He most sincerely hoped the peace with France would be lasting; but when he saw the violence and the virulence that had been displayed in that country of late against England, a violence and a virulence which he trusted would not be imitated on this side of the water—when he saw all this, he was the more inclined to think, we ought to be prepared, and that the Government ought to take this very important subject into their consideration.

Sir *R. Peel* said, that his opinion was very much in consonance with that expressed by the hon. Gentleman who had just addressed the House upon this subject, namely, that it ought to be left to the Government. The construction of harbours of refuge was undoubtedly a work of great importance; but, there was another equally important point to be kept in view, namely, the site to be selected for those harbours. The subject was a very fit one for inquiry, but that inquiry should not be conducted in the way proposed by the hon. Gentleman. Suppose that 1,000,000*l.* or 2,000,000*l.* were to be expended upon the construction of harbours in the Channel on account of their great advantage to the commercial marine of this country; in determining the site of those harbours respect should also be had to purposes of defence in time of war, as well as of refuge for trading-vessels in bad weather. But that was a matter which it was much better to leave to the consideration of the Admiralty. In 1840, a commission consisting of Sir J. Gordon, Colonel Thompson, Messrs. Walker and Cubitt, the engineers, and other competent persons, was appointed, and the appointment of that commission was an important step in the business, as by that means the Government were put in possession of information upon which to act. With reference to the peculiar claims of Ramsgate or Harwich to become harbours of refuge, a committee of that House was not a proper tribunal to decide such a question. He hoped the motion would not be persisted in.

Mr. *Hume* complained of the expences of the commission, and said, that the charges made upon commerce were greater than the advantages obtained. Reports respecting the various harbours were annually made, but never printed, unless some hon. Member moved for them; they ought always to be printed and laid before the House, that hon. Members might know what was going on. For four or five years past he had been complaining of the neglect of the Government in not acting upon the information which had been furnished by the commission. He trusted that the right hon. Baronet would cause inquiry to be made into the amount of the charges upon commerce, with a view to see whether they could not be reduced, or, if not, whether the money could not be applied in a better manner than at present. He thought his hon. Friend ought to have his committee.

Mr. *A. Chapman* was understood to say, that the hon. Mover was wrong in stating that 4*d.* a ton, was demanded for ships of 350 tons at Ramsgate harbour; if under 300 tons, the charge was but one halfpenny per ton, and if above 300 tons only 2*d.*

Mr. *Mackinnon* in reply said, he feared he should appear to be placed in that position spoken of by the hon. and gallant Member for Brighton—of making only a sham fight; but after what had fallen from the right hon. Baronet he had, no alternative but to withdraw his motion. [*Cries of* "Divide!"]

Amendment withdrawn. The House divided on the original motion:—Ayes 34; Noes 79; Majority 45.

List of the AYES.

Aldam, W.
Barnard, E. G.
Beresford, Major
Brotherton, J.
Burrell, Sir C. M.
Byng, rt. hon. G. S.
Collett, J.
Darby, G.
Duncan, G.
Ewart, W.
Fitzroy, Lord C.
Fox, S. L.
French, F.
Gladstone, Capt.
Hatton, Capt. V.
Henley, J. W.
Hodgson, R.
Hume, J.
Jervis, J.
Lennox, Lord A.
Marjoribanks, S.
Napier, Sir C.
O'Brien, W. S.
Paget, Lord A.
Pechell, Capt.
Plumridge, Capt.
Rice, E. R.
Russell, Lord E.
Stanfield, W. R.
Thornely, T.
Trelawny, J. S.
Turner, E.
Williams, W.
Wood, B.

TELLERS.

Mackinnon, W. A.
Curteis, H. B.

List of the NOES.

Ackers, J.
Allix, J. P.
Antrobus, E.
Baskerville, T. B. M.
Blackburne, J. I.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Chapman, A.
Charteris, hon. F.
Chute, W. L. W.
Clive, Visct.
Colborne, hn. W.N.R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Dickinson, F. H.
Douglas, Sir C. E.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Farnham, E. B.
Filmer, Sir E.
Flower, Sir J.
Forester, hn. G. C. W.
Forster, M.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon. hon. Capt.
Gore, W. R. O.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Herbert, hon. S.
Hinde, J. H.

Hope, hon. C.
Hope, G. W.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kelburne, Visct.
Kemble, H.
Knatchbull, rt. hn. Sir E
Lambton, H.
Langston, J. H.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Mc Geachy, F. A,
Mahon, Visct.
Martin, C. W.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Murray, C. R. S.
Neeld, J.
Newdigate, C. N.
Nicholl, rt. hon. J.
Paget, Col.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Trotter, J.
Waddington, H. S.
Wellesly, Lord C.
Wood, Col.
Worsley, Lord
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

ARMS (IRELAND) BILL.] Lord *Eliot* moved for leave to bring in a bill to amend and continue the laws relative to the registering of arms, and the importation, manufacture, and sale of arms, gunpowder, and ammunition in Ireland. The object of this measure was to renew the act, which would otherwise expire at the close of the present Session—an act which established regulations with respect to arms which every one of whatever political party would, he thought, concur in deeming essential to tranquillity. There would be so many opportunities of stating the variations he intended to propose in the present state of the law, that it would be quite unnecessary for him now to enter into details. On another occasion, however, he would be happy to explain those points on which hon. Members might have any doubt.

Mr. *S. O'Brien* regretted that the Government had nothing better to offer Ireland than an Arms' bill. They might depend on it that such a bill would not prevent a single outrage, and that they would do much better if they applied themselves to remedy the cause of discontent, by protecting the middle and humble classes in their constitutional rights, and saving them from the extremities into which they were now too frequently reduced.

Mr. *Hume* said, he had objected to a similar bill last year, and he equally objected to the measure now offered for their acceptance. To obtain the confidence of a people they must confide in them. It was the privilege of free men to carry arms if they pleased, and a measure to preclude the exercise of such a privilege was nothing less than a measure to degrade freemen. The present Government had been in office now nearly two years, and had as yet done nothing to remove the causes of discontent in Ireland. The people of Ireland required nothing more to make them contented and cheerful than the enjoyment of equal laws and equal rights with the rest of their fellow-subjects, and of which rights this bill tended to deprive them. It was a reproach to the Government that they brought in such a bill, instead of endeavouring to find a remedy for the causes of outrage, and for his part, if a division were taken on the introduction of the measure, he should be glad, by his vote, to evince his condemnation of their conduct.

Mr. *French* said, that the noble Lord being, as he observed, determined in all things to legislate and act against the wishes of the Irish people, did that which was most prudent in him, to commence with a measure to deprive them of the use of arms for their defence.

Lord *Eliot* in reply to the observations which had been made from the other side, begged to remind the House that this was not the first time of proposing an Arms bill for Ireland. The first measure of this kind had been adopted as long ago as 1807, and it had been continued ever since. The bill was not intended to prevent the use of arms in Ireland, but their abuse; and he asked if the House would not be prepared to adopt some measure for the same purpose for England, if it were found that the people of this country made use of arms in their possession for the unlawful acts which too frequently disgraced the annals of the Irish assizes? The bill which he was about to introduce would do nothing more than make the present law more effective, which was now constantly evaded. He really thought it was a misplaced sympathy on the part of hon. Gentlemen to claim the right of possessing arms for men who made use of them for unlawful purposes, thereby exposing the lives of innocent and unprotected persons to peril.

Mr. *B. Escott* defended the wise and conciliatory policy which had distinguished the policy of the present Government in reference to Ireland.

Leave given, bill brought in, and read a first time.

House adjourned at a quarter past seven.

* * *

HOUSE OF LORDS,

Friday, *April* 28, 1843.

Minutes.] Bills. *Reported.* — Schoolmasters Widow's Fund (Scotland).

Private.—1ª· South Eastern, and London and Croydon Railways; Hawkins's Estate.

2ª· Leeds Gas; Charlwood Inclosure; Norland Estate Improvement.

Reported.—Manchester Corporation.

Petitions Presented. By the Earl of Powis, from Llangynien, Winchester, Hältren, Llanfair, Caereinion, Shrewsbury, Henfynyw, Ellesmere, Oswestry, Llanmarewie, Montgomery, Bedford, Winchcomb, Rhydycroesan, Machynlleth, and Llandyssil, against the Union of the Sees of St. Asaph and Bangor. — By the Earls of Dartmouth, and Verulam, from Llangyrog, St. Michael's, St. Albans, and Machyulleth, for Church Extension.—By the Earl of Devon, from the Labourers Friend Society, in favour of the Allotment System.—By Viscount Lorton, from Tessara, against any further Grant to Maynooth College, for Excluding Catholics from Parliament, and for Discontinuing the Annual Grant for the support of National Education (Ireland).—By the Marquess of Downshire, from Banbridge, for Amending the Irish Poor-law, and for the Suppression of Vagrancy.—By Lord Cottenham, from Louth, and Harrington, for Amending the Bankruptcy Act of last Session.—By the same, from Liverpool, for Removing the Courts of Law and Equity to Westminster; also from the Debtors in the Queen's Bench Prison, for the Repeal of the Queen's Prison Act.

Removal of the Law Courts.] Lord *Cottenham*, having presented petitions against the Bankruptcy Amendment Act, said, that as he was not present on a former evening when a discussion arose as to the propriety of having all the courts of law removed to a central situation, he should take the present opportunity to state that he was in favour of the proposition. He did not think that the reasons advanced against it—even those put forward by his noble and learned Friend near him—were at all satisfactory.

Lord *Campbell* said, he did not object to having all the courts placed in a central situation. He should like to see all the courts, both of law and equity, and even the ecclesiastical courts — for he should be happy to embrace the learned doctors in the measure—included in one building; but he did object to the removal of the courts either to Lincoln's-inn-fields or to the atmosphere of Alsatia.

The Earl of *Devon* observed, that great inconvenience would result both to the profession and to suitors if the courts were removed from Westminster-hall.

Lord *Langdale* observed, that the proposition for removing the courts ought not to be rejected without some sufficient cause were advanced after proper inquiry. The interests of the community ought to be considered rather than those of individuals.

Subject at an end.

Property-Tax (Ireland).] The Earl of *Wicklow* wished to call the attention of their Lordships to a return, a very extraordinary one, which had recently been laid on their Lordships' Table. Some time before Easter he had moved for a return of the amount of Property-tax paid by persons residing in Great Britain on property drawn from Ireland. The noble Duke stated at the time that he had no objection to the production of the return, but that it would require a considerable time to make it up. Nothing could have induced him to press for such a return, but the wish to ascertain accurately, for an ulterior purpose, the amount of Income-tax paid in this country by persons whose property was situated in Ireland. By the provisions of the bill all Irish property, possessed by persons residing in this country, or who resided here for more than six months in the year, were subjected to the tax. Members of Parliament for Ireland, if they resided here after the Session had closed, although their whole income was drawn from that country, were also liable to the tax. Now, he was perfectly aware, that many individuals thus situated had been called on to furnish, and had furnished returns under the act, and had contributed largely to the tax. But what was the answer to the order of that House, directing such an account to be furnished, as he had called for? It was this, "there are no returns in this office to enable the board to comply with the order." Now, it appeared to him to be most extraordinary, when a large proportion of this tax was paid in this country out of funds drawn from Ireland, that the parties who were at the head of the Tax Office should have no knowledge whatsoever of the matter and should be unable to supply the information that he had called for. It would, therefore, be impossible for him to ground any observations upon such a return if it were really a correct one, which it was scarcely possible to believe.

The Duke of *Wellington* recollected what passed on the occasion when the return was moved for. He had stated that as it was to be made after examining into a great number of the districts in this country in which a very considerable number of Irish proprietors resided, therefore there would be considerable difficulty. He could not, however, account for the manner in which the present return was made, but he would endeavour to obtain information respecting it against their Lordships' next meeting.

Subject at an end.

CONVEYANCE OF LANDED PROPERTY.] Lord *Campbell*, in moving the second reading of the Transfer of Freehold Lands Bill, said it had frequently been made matter of objection that the charges on the transfer of lands were greater than those on the transfer of personal property. This was occasioned by the length to which the conveyance deeds ran, and the object of the present bill was by curtailing those deeds to limit the expenses. The heavy expenses attendant on investments in land deterred persons with a limited amount of capital from undertaking such investments, and the consequence was that the yeomanry of the country were restricted in number and but little likely to increase. Whilst in France the soil to a great extent was in the hands of the general population, in England it was all possessed by the great landed proprietors. The changes which had been already made in conformity with the opinions and suggestions contained in the report of the Real Property Committee, together with the abolition of leases for a year, had saved the public 150,000*l.* a-year. He was well aware that the alteration proposed to be effected by the bill would subject him to much obloquy, for which he was prepared; but he must confess he did not expect to be attacked in so foolish a manner as he had been. He entertained the greatest respect and esteem for the solicitors; many of them were men of the highest probity, character, and honour; but, then, some of them were so foolish—he would not say dishonest, as to apprehend that they would be entirely ruined by the proposed bill. Some of them had written him letters, others had vilified him in the newspapers, and had gone to the extent of saying that the author of the bill was a fit subject for universal execration. The deed which he proposed would be but that size. [The noble Lord presented a slip of paper about the size of a man's hand]. It was true, that if they were to be paid for the document only at so much the folio, they would be badly off, but such an idea never entered into his head. Instead of being paid by the folio, he presumed they would be remunerated in proportion to the trouble which they took, the responsibility they incurred, and the services they rendered. If solicitors were paid for the documents which they drew up in proportion to the length, it was natural to suppose that they would be exceedingly long; but where that temptation was not held out, it would be found that they would become very brief. Documents were not necessarily important in proportion to their length. The record of sentence of death was one of the most important things which could be imagined, and yet it was done in three syllables. The words were *sus. per col.* It was objected that if such documents were small, they would be liable to be lost. Now a bank-note for 100*l.* was small, but nobody objected to it as likely to be lost. [The *Lord Chancellor*—Nor to a turnpike ticket.] Nor to a turnpike ticket, as his noble Friend said. Solicitors were engaged in the most important transactions between man and man. It was necessary as such that they should be men of education, ability, integrity, and honour, and the services of such men ought to be amply remunerated. The objections to the bill were founded in ignorance of its object, and when they were once exposed it was to be hoped that they would be heard of no more. The principles propounded by the measure had been carried into practical operation in America, and the system had been found to work well there. He did not then see why their Lordships should hesitate to proceed on similar principles. Then as to sealing; seals were of no advantage in the present day, when every one could write; they merely served to raise doubts whether deeds were duly executed; they were of no advantage as regarded authenticating an instrument. He hoped, therefore, that seals might be dispensed with, and that if the deed were signed and attested that would be considered sufficient. With the reflecting part of the profession he believed that the principle of his bill had obtained a favourable reception. When he was at the head of the Real Property Commission, several eminent barristers were examined together with several solicitors and country gentlemen. Mr. Justice Taunton, for one, was examined, and he strongly intimated his opinion that forms might be prescribed by act of Parliament which might materially shorten conveyances. Mr. Charles Butler, one of the most experienced conveyancers that had ever existed, also concurred that it would be highly desirable that transfer-deeds, mortgage-deeds, and marriage-settlements should be framed on Parliamentary forms which would obviate difficulties and lessen expense. He could boast of the approval of Lord Hatherton, then Mr. Littleton, of the objects which he had embodied in his bill. The form given in that bill was, he contended, not only perfectly intelligible, but it would lessen the expense of conveying land to a very great degree. He hoped, therefore, the bill would be read a second time; then he should move the commitment *pro formâ*, in order to have it reprinted with some alterations he wished to make, when it could be recommitted and considered in its amended shape.

The *Lord Chancellor* rose to oppose the bill with regret and reluctance, knowing that it came from a noble Lord of most perfect legal education, who had had great practice, who had filled the post of first law officer of the Crown, and who had been the head of the real property commission. The truth was that this measure originated in a *dilettante* law reformer, who about a year ago, published a pamphlet containing the very scheme of his noble and learned Friend, and had dedicated it to Lord Campbell. The measure had, therefore, a different paternity than was generally supposed, for his noble and learned Friend would never have been the father of so ill-formed and insignificant a bantling. After the best consideration he had been able to give the subject, he was convinced that the project would be most mischievous; and he would state, as shortly as possible the reasons why he thought thus of it. His noble and learned Friend had not stated a single reason to support the bill. Why had he not done so? Because he could advance none. For his own part, he thought the very worst form that could be introduced into the practice of conveyancing, was a legislative or Parliamentary form of conveyance. If such were to be decreed, what would be the consequence? That if a departure in the slightest degree from the form of conveyance took place, the conveyance would be altogether inoperative. There were instances of this already in another act—he alluded to the Annuity Act. Hundreds of annuity deeds had come before the courts in Westminster Hall, on account of some very slight defects in deeds, which had not been strictly made out agreeably to the act mentioned. He remembered a case where it was required that the power should be signed and sealed. The party attested the sealing, and omitted the word "signing," and the transaction was declared invalid. In another case, the party attested the signing, but omitted to attest the sealing, and that was declared invalid. He remembered attending quarter sessions, and had known instances where convictions were set aside merely on account of blunders in filling up the blanks. He stated this to show how inconvenient it was to prescribe a parliamentary form for conveyances. The bill required that the instrument should be signed by the grantor and grantee in the usual mode of signature. How was that to be ascertained? That must be proved *aliunde*; and yet this was called a bill for the protection of poor men and their property. Then his noble Friend required the signature of two witnesses who were to subscribe the instrument, and attest it in the presence of each other, and of the principal party granting the property. The question would arise, what was the presence of the party? He recollected a case upon which he and Sir John Leach had come to a different conclusion on this point, where a will had been executed in an adjoining room. Every step you advanced introduced uncertainty, for the bill stated that if the deed was not executed in the manner prescribed the instrument should be inoperative. Another objection was the consideration. If the consideration was not correctly set out in the instrument it was declared to be altogether void. So it was under the Annuity Act, and it had given rise to innumerable difficulties. Lord Coke said that the date was an essential part of a deed, and yet it was singular that in the form which his noble Friend had given the date of the transaction did not appear; so that you were left without a knowledge of the time the instrument was executed. This form would operate to make a trustee liable for the goodness of the title; it would occasion constant doubts; nobody would be safe in purchasing without making minute and particular inquiries. No attorney or solicitor, no man of common-sense, would adopt this form of proceeding; he would not expose himself to these risks, he would convey in the common form, and the act of Parliament would become a dead letter, and not be acted upon except by a class of persons whom he was bound to describe ignorant persons, who would say, "What is more easy than to fill up these blanks?" and, therefore, every village schoolmaster would be employed to make these conveyances. The result would be, that blunders would be committed over and over again, and the poor man who purchased his estate in the confidence that he had a good title would find that he had no title at all. This would probably be the result of the measure of his noble and learned Friend, or of the Gentleman to whom he had referred. Men would make their transactions complicated—they would cut up their property in different ways; they would endeavour to provide for every contingency and event; and the result was, that conveyances must be long, but if men would simplify their transactions, the conveyances need not be long. His noble Friend had referred to the conveyance by lease and release, and had alluded to an alteration, copied from Ireland, by which the lease was dispensed with. Nothing was more simple than the form of conveyance by release. Property might be conveyed by release in terms quite as precise as his noble Friend had stated in his bill. He had been speaking to an eminent conveyancer, and he had given him the following form of a release:—

> "Know all men by these presents, made in pursuance of the statute 4 and 5 Vic. cap. 21, that in consideration of 250*l*., Thomas Smith, of Clare Hall, in the county of Middlesex, Esq., releases all that piece of land, called brick meadow, &c., unto William Thompson, of the City of London, merchant, his heirs and assigns. (Signed) "Thos. Smitm,
> "Wm. Thompson.
>
> "Dated 6th April.
>
> "Received the above 250*l*., Thos. Smith.

There was a complete and entire conveyance. It contained fewer words than his noble and learned Friend's bill. This was what was called in law an innocent conveyance, it was a perfect conveyance. A little slip or error in drawing it would not vitiate the transaction, and it was liable to none of the objections which he had pointed out. The conveyancers of this country had been labouring for the last ten or fifteen years most assiduously to shorten all the forms capable of being shortened; but they said, and most justly so, that if mankind would make their transactions complicated, and would endeavour to provide for every possible contingency, and for every event that could arise, the instruments used to make those provisions must of necessity be proportionate in length. He hoped he had stated sufficient to their Lordships to justify him in the doubts he entertained respecting the prudence of the measure now proposed by his noble and learned Friend. He felt so strongly the mischievous character of it, that he could not support it. He had been extremely desirous that his noble and learned Friend should put off the consideration of this question a little longer, that their Lordships might have had a fuller opportunity of conferring upon it, in order to see whether they could not graft upon this bill something better and more extensive in its character. When he asked his noble and learned Friend to postpone the second reading, stating that he expected a noble and learned Friend of theirs (Lord Brougham) to return from the continent; and, thinking that their noble and learned Friend's presence might give his noble and learned Friend some support and encouragement, not only did his noble and learned Friend refuse to wait for that noble and learned Lord's return, but he gave him a look which was most expressive, and which seemed to say—

> "Non tali auxilio, nec defensoribus istis."

Under these circumstances, and considering that the second reading had been urged on contrary to his (the Lord Chancellor's) earnest request, he must conclude by proposing that the bill be read a second time that day six months.

Lord *Langdale* said, that there were two principal causes for the present prolixity of deeds of conveyance: the first was, that the remuneration which the solictor received was proportioned to the length of the deed, and the next was, the state of the law with regard to the construction of words used in deeds. It must be obvious that professional remuneration being made to depend on the length of the document, must be an inducement to prolixity; while, with regard to the legal construction of words, the necessity was created of using a number of provisos and other clauses, for the purpose of qualifying the terms adopted. Now, how were these two causes remedied by the bill of his noble and learned Friend? For his own part, he confessed he did not find in it any provision to meet the first case—that of remuneration to the solicitors; nor was there much assistance given in respect to the construction of words. All that this bill proposed was, that when the value of the property was small, the conveyance should be short; but there was nothing in any other respect to enforce upon professional men short forms of conveyancing. He had considered this bill with a great desire to promote the object of it, but he did not believe that it would persuade any one to make deeds shorter. It was necessary in cases of wills to secure attestation in the presence of the party; but he did not think that this was necessary in deeds, and therefore he could not concur in the second paragraph, that no form should take effect unless the same were attested as herein required. It did appear to him that, in its present form, this bill was not calculated to promote the proper and laudable object which it had in view, while it could not be denied that there was great danger in prescribing by act of Parliament a form of conveyancing. When the noble Lord said he had amendments to propose, he was in hopes that the noble Lord was going to state what those amendments were. [Lord *Campbell*: They would obviate every objection you have made.] But the noble Lord did not state what the clauses were. [Lord *Campbell*: I had no reason to believe that the second reading would be opposed.] He thought the object of the bill could not be promoted until they removed the causes which led to the prolixity of deeds, and made correspondent alterations in the law with regard to the evidence of title, and other changes not contemplated by the bill of his noble and learned Friend.

Lord *Cottenham* said, that if this bill had appeared to him susceptible of amendment in committee he should not have been disposed to vote with his noble and learned Friend on the Woolsack, but it seemed to him that the bill was founded upon an erroneous principle. It proceeded upon the supposition that there ought to be a Parliamentary form of conveyance. This he conceived wrong in principle, and he was surprised that the author of this bill had adopted this course, because another plan might have been hit upon. If a short mode of conveyance could be agreed upon, it would obviate all the objections to which a parliamentary form was liable. It was usual in certain bills giving public companies power to purchase land, to contain a short form for the purpose, but there was this difference between the cases. In the bill he referred to it was provided the word "grant" should be used in a particular sense, and should comprise the usual covenants of a conveyance, and consequently that being established, its effect was, that the party using it did enter into the usual covenants. But although this bill sought to provide the same effect, it did not do so in the same manner. Within the last few days he had witnessed the effects of such attempts. It had happened to himself, in a private matter, a few days since, to have brought before him the fact that a deed made by a public company, according to the form prescribed by the act of Parliament, was considered so unsatisfactory that another deed in the usual legal form was made. The Parliamentary deed consisted of two skins of parchment, while the second deed consisted of no less than sixty. So that the effect of the economy sought to be made by the act of Parliament was, to cause two deeds to be made instead of one. The difficulty of proving the title might be as great in the purchase of an acre of land as in the purchase of a thousand acres, and he did not think it was expedient to incur that difficulty for the sake of saving a skin of parchment.

Lord *Campbell* was extremely grieved to find that this bill was so strenuously opposed by his noble and learned Friends. He was afraid the accusation would be revived against his profession, which he had hoped was fast passing away—that legal reform could not be expected from lawyers. The present opposition came with a very ill grace from his noble and learned Friend on the Woolsack, because when he conversed with his noble and learned Friend upon the subject he gave not the slightest intimation that he would oppose the second reading of the bill; on the contrary, though he did not say he would support it, he gave him (Lord Campbell) reason to suppose that the bill would be read a second time without opposition. [The *Lord Chancellor* never intended to give any such intimation.] No doubt his noble and learned Friend did not intend to deceive him, but he used language by which any man might be induced to believe that the bill would be read a second time. With regard to the objections which had been urged against the bill by his two noble Friends (the Lord Chancellor and Lord Langdale), all of them would, in a great degree, be obviated by the amendments which he intended to propose in committee. His noble and learned Friend had said that this was not his own bill. He hoped he had never been in the habit of taking credit to himself for what did not belong to him.

The *Lord Chancellor* begged to say he never meant to cast any imputation upon his noble and learned Friend. In stating that the bill had come from another Gentleman, he did so that he might with more confidence state his own objections to it; because he felt that it did not come with the same force of authority as it would have done had it been the bill of his noble and learned Friend himself.

Lord *Campbell* certainly did, on introducing the bill, feel anxious to inform their Lordships, and was very desirous that the public should be informed, that this bill had been prepared by Mr. Stewart; but he at the same time said that he (Lord Campbell) most cordially approved of it, and most zealously supported it, and that he was of opinion that it was one which would confer great benefits upon the country. His noble and learned Friend had eulogised the system adopted in Ireland, by which the lease for a year was dispensed with, to the very great advantage of the people. Who was the author of that reform? It was the dillettante lawyer, as his noble and learned Friend had called him.

The *Lord Chancellor:* I did not say a dillettante lawyer: my expression was "a dillettante reformer of the law."

Lord *Campbell:* Well, that dillettante reformer of the law was one who had introduced a reform in Ireland, which, with the exception of those whose professional gains were affected by it, had been received by all persons with the greatest satisfaction. The principle of the present bill was undoubtedly that of a Parliamentary form, and if Parliament could not provide that remedy for the evil complained of it ought certainly to be opposed. His noble and learned Friend had read a form which he said would operate extremely well, but when would it be adopted? He would ask his noble and learned Friend if he had ever seen a deed that was not ten or twenty times the length. If not, showing that such a deed might be adopted was of no service, because no lawyer would take upon himself the responsibility of using it without an act of Parliament, and indeed could not afford to do so on the principle of remuneration now adopted. If, however, such a form were provided by the Legislature, there would be the *argumentum ad verecundiam*, and the client might ask if there were not an act of Parliament which rendered such prolixity unnecessary. There were parts of this bill which might be dangerous, and which he had intended to strike out; but certainly a form might be provided free from all the objections stated by his noble and learned Friend. He had intended to strike out all incapacitating words, and all words that required a particular form of attestation, and to leave it to be attested like any other instrument. With respect to other objections, the Stamp Act at present voided a deed unless the consideration money were truly stated; and as to the parties, even as the bill stood at present, both the grantor and trustee could execute the deed as grantors. His noble and learned Friend said that ignorant and unlearned persons would fill up this form, but it had been framed for that purpose—[*Lord Chancellor:* "Hear,"] although he should have had no objection, though certainly not for their sakes, to provide that they should be prepared only by an attorney or conveyancer. Under these circumstances he hoped his noble and learned Friend would not oppose the second reading. If he objected to the form it could be amended, and if he should still object to it he would still have sufficient influence to induce their Lordships to reject it, but he would use that influence very harshly if he caused it to be thrown out in this shape. If he did so on his noble and learned Friend be the responsibility. He had brought forward a measure which, in his conscience, he believed would be a great public benefit; and if his noble and learned Friend should crush it, though he might be applauded by attorneys and conveyancers, he very much doubted whether he would also receive the approbation of the public.

The *Lord Chancellor* had no doubt that

his noble and learned Friend brought forward his bill from the best possible motive, and he hoped his noble and learned Friend would believe that the opposition to it was also made from conscientious motives. His noble and learned Friend had said, that his (the Lord Chancellor's) objections were merely as to details; but on the contrary, he opposed it upon principle. He objected to it on the ground that it made a strict adherence to a Parliamentary form necessary. If his noble and learned Friend had amendments to make, it was quite open to him to bring in another bill founded upon those amendments.

The *Duke of Wellington* entirely concurred in the opinion just expressed by his noble and learned Friend, It appeared to be generally admitted by all the noble and learned Lords who had spoken, and even by the noble and learned Lord himself, that this bill was defective. The noble and learned Lord himself stated, that it required many amendments; and the principle of the bill having been objected to by his noble and learned Friend on the woolsack, and his noble and learned Friend who had preceded him in that station, and also the noble and learned Lord the Master of the Rolls, he, under these circumstances, thought it became their Lordships to vote for the amendment of his noble and learned Friend (the Lord Chancellor); more particularly as the noble and learned Lord had the opportunity of introducing a perfect bill for discussion in the present Session.

Lord *Campbell* said, that if the bill should be thrown out because it was defective in detail, it would be adopting a course wholly new and very unparliamentary, and, as he conceived, very inexpedient, because it could not be reasonably expected that any measure when first introduced should be in a perfect form. But if it could be amended, and made beneficial to the public it ought to be allowed to proceed to that stage in which the amendments could be made. He (Lord Campbell) had done his best. He had brought forward a bill, after great deliberation, which he believed would, if adopted, be greatly beneficial to the country. But, if their Lordships were of a different opinion, he must submit to their authority. If this measure should be thrown out, he should give up, in despair, any attempt to remedy the great evils that at present existed in the law relating to the conveyance of landed property.

The *Duke of Wellington* must explain. The noble and learned Lord had said, that the bill was objected to in its details. Now, what he (the Duke of Wellington) distinctly stated was, that the bill was objected to on its principle by three noble and learned Lords, and that, being objected to upon its principle, this was the time at which it ought to be rejected. But if the noble and learned Lord should think proper to bring in a measure upon the subject, by withdrawing his present motion he might do so. It was for the noble and learned Lord to determine whether he would bring in another measure unobjectionable in principle, and perfect in its details. Let him do so, and then their Lordships could discuss it.

The question was put that the word "now" stand part of the question, and it was decided in the negative. Bill put off for six months and the amendment agreed to.

The bill was consequently lost.

Adjourned at a quarter-past seven.

HOUSE OF COMMONS,

Friday, April 28, 1843.

Minutes.] Bills. *Public.*—2°. Ecclesiastical Courts; Queen's Bench Offices.

Reported.—Apprehension of Offenders; Exchequer Bills.

Private.—2°. Leamington Priors Improvement and Market; Caswall Disability Removal.

Reported.—Berwick-upon-Tweed Corporation.

Petitions Presented. By Lords H. Vane, R. Grosvenor, Ingestrie, E. Russell, A. Hervey, A. Lennox, Worsley, Duncan, Courtenay, and F. Egerton, Sirs J. Hanmer, J. Chetwode, J. Mordaunt, G. Strickland, J. Y. Buller, E. Knatchbull, G. Grey, G. Staunton, J. Owen, J. Tyrrell, W. James, and C. Napier, Colonel Rushbrooke, the Lord Mayor, Captain Pechell, Colonel Sibthorp, Captain Plumridge, Colonel Anson, Colonel Fox, and Messrs. Hardy, Trelawny, H. Lambton, Gisborne, R. Yorke, Busfeild, Morris, Brotherton, Strutt, Lascelles, M. Gibson, B. Smith, Tancred, Cavendish, H. Berkeley, Plumptre, Evans, C. Ponsonby, Aldam, Greene, W. Martin, S. Crawford, W. O. Stanley, G. Knight, Pennant, Granger, Campbell, Labouchere, Buck, Villiers, Hindley Lowther, Thorneley, Scholefield, Ellice, Dickenson, Hawes, E. Cayley, Watson, F. Baring, Barclay, Blackstone, Elphinstone, Cobden, Miles, T. Egerton, Jervis, Curteis, T. Duncombe, Ewart, Henley, Dundas, Hume, P. Scrope, G. Wood, Stanley, Divett, Aglionby, and Heathcote, from an enormous number of places, against the Factories Bill.—By Messrs. Villiers, Forster, M. Gibson, and Ellis, Sergeant Murphy, and Sir G. Strickland, from thirty-seven places, for the Total and Immediate Repeal of all Corn and Provision Laws.—By Captain Pechell, from Woodbury, Westbourne, and Emsworth, against the Bastardy Clauses in the Poor-law Act.—By Lord G. Grosvenor, Sir J. Hanmer, Sir R. Inglis, and Mr. Hodgson, from Hereford, Manchester, Salford, Kingston-upon-Hull, Selby, Oldham, Richmond (York), Thirsk, Bolton-le-Moors, Newcastle-upon-Tyne, Gateshead, and Ripon, against the Ecclesiastical Courts Bill;

and from Oswestry, in favour of the same.—By Mr. Hardy, Mr. Lascelles, and Colonel Sibthorp, from six Places, in favour of the Factories Bill; and from Kendal, against Altering the Law relating to the Recovery of Lost time; and from Barnsley, Wakefield, and other Places, for further Limiting the Hours of Labour.—By Sir J. Y. Buller, from Sidmouth, against any further Grant to Maynooth College.—From Kingston-upon-Hull, against the Bankruptcy Act.—From the Clergy of Buckingham, and four Places in Wales, against the Union of the Sees of St. Asaph and Bangor.—From Aylesbury, and Edinburgh, for Medical Reform.—From the Labourers' Friend Society, in favour of the Allotment system.—From Stalybridge, against the Turnpike Roads Bill.—From Kendal, against a Clause in the American Treaty.—From a number of Places in Ireland, against transferring the Contract for the Mail Coaches from Ireland to Scotland.—From Banbridge, for Suppressing Vagrancy in Ireland.—From Banbridge Union, for Amendment of Poor Relief (Ireland) Act.—From Wakefield, against the Repeal of the Mines and Collieries Act.

REPEAL OF THE UNION.] Mr. *W. Smith O'Brien* gave notice that when the hon. Member for Ipswich brought forward his motion relative to the repeal agitation in Ireland, he would move the following amendment:—

"1. That on the 29th of April, 1834, this House did agree to an address to his late Majesty, which address concluded with the following paragraph:—'In expressing to your Majesty our resolution to maintain the Legislative union inviolate, we humbly beg leave to assure your Majesty that we shall persevere in applying our best attention to the removal of all just causes of complaint, and to the promotion of all well-considered measures of improvement.'

"2. That it is incumbent on this House to inquire whether the increasing disposition which has been recently evinced to seek a domestic Legislature for Ireland may not be traced to a neglect on the part of Parliament adequately to fulfil the pledge then solemnly recorded; to its indisposition to listen to the well founded complaints of the Irish people; to the tardiness and reluctance with which it has acceded to measures acceptable to them; and to the overbearing, exclusive, and anti-national spirit in which the affairs of Ireland have been administered.

"3. That this House will apply itself to an early consideration of measures calculated to soothe national animosities, to obliterate the distinctions founded upon a difference of religion, and to consolidate the union of the two kingdoms by the bonds of common rights, equal laws, and international justice."

Mr. *Lefroy* wished to ask the noble Lord the Secretary for Ireland a question relative to the meetings which were held in different parts of Ireland, to agitate the repeal question. He would ask the noble Lord whether he considered these meetings legal or illegal, and whether her Majesty's Government were prepared to take any measures to put an end to that agitation?

Lord *Eliot* could assure his hon. Friend that the subject he had mentioned had attracted the anxious attention of her Majesty's Government. That the meetings of which his hon. Friend had spoken, and the agitation of the repeal question disturbed that tranquillity which was essential to the prosperity of the country, was not at all subject to doubt. The Government, he could assure his hon. Friend, would employ all the power which belonged to the executive Government to preserve the peace and protect the property of all her Majesty's subjects.

THE BRITISH AND AMERICAN LAND COMPANY.] Mr. *W. S. O'Brien* having moved for a return relative to the emigrant ship *Barbadoes*,

Lord *Stanley* had no objection to the returns, and he would take the opportunity of stating that he had learnt with great satisfaction, within the last day or two, from the Lord Mayor of London, that parties connected with the British and American Land Company had contributed several sums for the relief of the emigrants.

The *Lord Mayor* was happy to announce that he had received contributions from the Duke of Argyll, the Marquess of Downshire, and Sir Robert Broun, in sums of 50*l.*, 30*l.*, and 25*l.*, making together a sum of 105*l.* He believed that other gentlemen connected with the association would also contribute, so that the emigrants would be substantially relieved.

Returns ordered.

SERVIA.] Mr. *D'Israeli* rose to ask her Majesty's Government a question in relation to a series of diplomatic occurrences which had taken place at Constantinople, concerning Servia, and in which the honour of this country was concerned. If the House would permit him, he would explain the circumstances. ["No, no."] He felt a necessity to give a simple statement of the circumstances on which his inquiry was founded, otherwise it would not be understood. The House was aware that the cabinet of St. Petersburg wished to interfere with the domestic arrangements of a province of Turkey, which had engendered a dispute between the cabinets of Constantinople and St. Petersburg. There was no doubt, that official information of these circumstances had been received by her Majesty's Ministers, but the public had intelligence, in an authentic shape, that, on the 2nd instant, the Russian ambassador, accompanied by Prince Lieven and the first dragoman of the Russian Legation, had waited on the Reis Effendi, the foreign minister of the Porte, and had delivered to him a message to intimidate the Porte. On April 3rd, he was informed that a despatch arrived at Constantinople from Prince Metternich, recommending the Porte to comply with the demands of the Russian cabinet. He had no doubt, that the right hon. Gentleman was acquainted with these negotiations and with the proceedings of the Russian minister. He was persuaded, that no negotiations were permitted to be carried on without being made known to this country. He asked, them, whether the right hon. Gentleman had any official notification of these negotiations, and, if he had, whether it were consistent with his duty to give any information to the House on the subject. He was sure, that the right hon. Gentleman would not desert an old and oppressed ally, and that he would, according to existing treaties, maintain the integrity of the Turkish empire.

Sir *Robert Peel* found it inconsistent with his duty to answer the question of the hon. Member. He was required to assume that a certain message had been delivered; he was to assume that Prince Metternich had sent a certain despatch, which had arrived at Constantinople on a certain day, and that certain urgent measures had been adopted. The negotiation with respect to Servia would probably be brought to a close at an early period, and when brought to a close would be the proper time for her Majesty's Government to give it their attention. He declined entering into the subject now; the negotiation was still pending, and when it was brought to a close, and not earlier, it might be a subject of discussion.

RETIRED OFFICERS.] Sir *Charles Napier* wished to ask the right hon. Baronet, with reference to a plan for enabling officers to retire, which the hon. Baronet (Sir George Clerk) had mentioned, whether any measure of that kind would be brought forward this Session?

Sir *R. Peel* said, the subject had been under consideration, but he was not prepared to submit to the House any proposition for forming a retired list.

THE CITY PRISONS.] Mr. *Ewart* wished to call the attention of the Secretary for the Home Department to a matter of great importance. By an act passed in the reign of William 4th, the inspectors of prisons were authorised to put inquiries to the officers of prisons, and to call for documents exhibiting the state of the prison. By the report which had recently been laid before the House, it appeared, that the chaplain and governor of Newgate were instructed by the gaol committee of the corporation of London not to answer the inquiries of the prison inspector. That was the first subject to which he wished to call the attention of the right hon. Baronet, the Secretary of State for the Home Department. Another was this—that in the month of August last, a female had received sentence of death, but in consequence of some legal question, which which was to be determined by the judges, she remained in prison until the month of November. On Saturday, the 15th of November, at six o'clock in the evening, a pardon was received for the prisoner, and yet this fact was not made known to the unfortunate prisoner for nineteen hours afterwards. It was clearly the duty of the Government to see that such an interference should not take place in the exercise of the royal prerogative of mercy; and also that the committee of the corporation should not give directions which were clearly at variance with the enactments of the prison bill.

Sir *James Graham* replied, that the hon. Gentleman must be aware, that the report of the inspectors, which the hon. Gentleman had referred to, was of a very recent date, and had only come into his hands a very short time before the hon. Gentleman himself had received it. As to the first point, the interruption that had taken place, under the direction of the board of Aldermen, to the duties of the inspector—when his attention had been called to it, he had immediately communicated with the authorities of the City of London. In justice to those authorities, with which he had communicated, he was bound to say, that they showed every disposition to make the due arrangements to prevent such an interruption being offered to the due execution of the duties of the inspector. As to the second point, he could not but remark, that a very unnecessary, improper, and unlawful delay of nineteen hours had occurred, and on that point, Mr. Russell, the inspector, was desired to make a special inquiry. Further information on this point was not in his possession.

ECCLESIASTICAL COURTS — ADJOURNED DEBATE.] On the Order of the Day for resuming the adjourned debate from the 10th April on the second reading of the Ecclesiastical Courts bill, and, on the question that the word "now" stand part of the question,

Sir *George Grey* wished to take the earliest opportunity briefly to state what was the course which he intended to take at the present stage of the bill. He entertained very strong and serious objections to portions of the bill. He thought, that it required very material modifications in its details, yet when he looked to the principle on which the bill was formed and the object which it professed to have in view, — namely, to carry into effect, with certain modifications, many recommendations of the ecclesiastical commissioners, and also to effect other alterations in the ecclesiastical law: and when he looked to the main provisions of the bill, and found that it was intended by them to abolish the inferior ecclesiastical jurisdictions scattered throughout the country, and to transfer the contentious jurisdiction exercised by those tribunals to one competent tribunal; he had no hesitation in voting for the bill in its present stage, in the earnest hope that it would be referred to a select committee, if it passed a second reading, as the only course likely to secure for a measure including such technical and professional details, that consideration which the importance of the subject demanded. He quite agreed with the right hon. Baronet the Secretary of State for the Home Department in thinking that when they had so many great authorities all concurring in the recommendation to abolish inferior jurisdictions, and to transfer their power to one competent tribunal, the government was fully justified in bringing a bill before that House having that object in view. The objections, however that he entertained with respect to this bill arose from this, that while it professed to carry out the recommendations of the ecclesiastical commissioners, in some important points, it departed from those recommendations, as well as from those of other authorities to whom the greatest consideration was due, a departure from which would render the proposed change incomplete, and give the bill, if it should pass in its present form, the effect of disturbing a variety of interests, unsettling established habits, and exciting great alarm and dissatisfaction, without conferring on the public that advantage which they have a right to expect, and which if those recommendations were adopted, they would, in fact, obtain. The authorities to which he had alluded, were four in number. There was first, the ecclesiastical commissioners' report, on which the bill professed to be founded; the second was the fourth report of the real property commissioners and to which there had been no allusion whatever. That was a most elaborate report made by men of the highest distinction in their profession, who had bestowed the greatest attention on the subject. The third was the report of a committee of the House of Commons in 1833 to inquire into the Admiralty Courts, on which the right hon. Gentleman, the Secretary of State much relied. The last was the report of a committee of the House of Lords in 1836, appointed to consider the petitions presented to that House respecting the Ecclesiastical Courts Bill introduced by Lord Cottenham. All these authorities concurred in the recommendation to abolish the inferior tribunals, although the report of the House of Lords certainly recommended the retention of the diocesan courts for certain limited purposes. Now, when, the right hon. Gentleman stated that this bill was so framed as to carry into effect the recommendation of the ecclesiastical commissioners, he was compelled to differ from him. The bill, indeed, carried into effect their recommendation as to the abolition of the inferior courts; but when they came to the re-constructive parts of the bill and examined what was to be substituted for those tribunals, there was found a very material deviation from the recommendation of the ecclesiastical commissioners, as well as from that of the report of the real property commissioners. That departure was very much to be regretted, and if it were to be persisted in, the bill, he considered would confer a very trifling benefit on the country. What was the recommendation of the ecclesiastical commissioners? It was stated by them, as well as by the real property commissioners, that one great evil in the testamentary law, was the divided jurisdiction, in those leases when real and personal was devised and bequeathed. They pointed out the inconvenience which the public suffered from the jurisdiction in those cases being vested in two different courts, acting on different principles of law, with a different bar, and with different rules of practice. The ecclesiastical commissioners, after stating the fact, that

> "From very ancient times wills of real and personal estate have been decided upon by different tribunals, the courts of common law exercising exclusive jurisdiction over all testamentary devises of real estate; the ecclesiastical courts possessing a similar power over bequests of personal estate,"

proceed to say,

> "The consequence of this separation is, that the validity of wills is subjected to a different mode of trial according to the nature of the property intended to be conveyed—in a devise of land, a judge and a jury determine on *vivâ voce* evidence—in a bequest of personality the judge of the ecclesiastical court on depositions reduced into writing. When the will purports to devise real and bequeath personal property, there may be a double trial and conflicting determinations, even though the will be duly executed according to the statute of frauds."

In order to meet this evil, after recommending (page 31),

> "That the same solemnities should be required to render valid every testamentary disposition of every description of property without any distinction, so that the same formalities of execution and attestation shall be necessary whether the testamentary instrument disposes of real or personal estate."

(an alteration since made by law); they further recommend that under certain limitations,

> "The validity of wills of real and personal estate, or either, should be determined by trial in one and the same court, and the probate made final and conclusive evidence of title to real and personal estate."

The object they thought would be thus attained was,

> "That additional security will be afforded to titles of real property and some delay, doubt, litigation, and expense avoided."

He was ready to admit that they had not many instances of conflicting decisions. The commissioners state that—

> "With respect to conflicting decisions betwen a jury and the Ecclesiastical Court, the inconvenience has been rather in theory than practice; for, during the last quarter of a century, we are aware of but one single instance in which a jury has found a verdict in opposition to the decree of the Prerogative Court of Canterbury. Indeed, with respect to other ecclesiastical courts, the occurrence is also very rare, with regard to the construction of the same instrument bequeathing personal estate."

But though the conflicting decisions between these different tribunals were few, the inconvenience arising to individuals from the harass and anxiety to which they were subjected by being compelled to have recourse to two courts to establish one and the same instrument, and a title to the property taken under that instrument, was a great practical grievance. They were, to take into account, in their future legislation, not how many conflicting decisions there had been, but how many double trials the suitors were exposed to. The commissioners went on to state—

> "That the possibility of conflicting decisions would cease, a very considerable saving of expense be effected, and uncertainty as to title to freehold estates would be diminished, by establishing one mode of proof in one and the same court."

The real property commissioners, too, state—

> "That while the same questions are cognizable, so far as may regard personal estate, by the spiritual courts, and as to other subjects by courts of law and equity, there must always be danger of conflicting decisions, with respect to the validity of one and the same instrument, or as to one and the same question, (and they add), such conflicting decisions bring the administration of justice into discredit, have the effect of unsettling the law, and create serious embarrassments in titles."

They had also the opinion of a gentleman of very great experience, Mr. Tyrrell, himself, one of the real property commissioners, more in detail, in a volume he had published, entitled, *Suggestions with regard to the Laws of Real Property.* Mr. Tyrrell said that—

> "While all the other rights of property are determined according to the municipal law of this country, the validity of wills of personal estate is governed by the civil or Roman law, which differs essentially from the laws of England, and is but little understood by any counsel, except the advocates in Doctors' Commons. This peculiar jurisdiction in respect to wills, is an important cause of the insecurity of titles, and one of the most frequent and oppressive sources of expense in the alienation of real property."

Here, therefore, was an evil pointed out as prominent by the ecclesiastical commissioners, and still more strongly perhaps in the report of the real property commissioners—nor can any one doubt the existence of it. An instance of it had recently occurred in a remarkable case, the disputed will of the late Mr. Wood, of Gloucester. In that case, the will devised and bequeathed real and personal property to a large amount. The will as to the personal property was litigated in the Prerogative Court of Canterbury, and carried by appeal before the Judicial Committee of the Privy Council. After the question as to the personal property had been decided by the highest appeal court in such matters, pronouncing its decision on the disputed will, the successful party was still compelled to submit to further litigation, his title as to the real property under the same will being contested at the Gloucester Assizes. It is true, no trial actually took place, there was no conflicting decision, but briefs had been prepared, gentlemen of the bar had been retained, and heavy fees paid. [The *Attorney-General* : The cause was arranged.] The Attorney-general said the cause had been arranged—compromised. Arranged—compromised! that made the case still stronger. Here a party having the decision of the chief appellate tribunal in his favour, as to the validity of a will disposing of personal estate in the face of that decision; has his title to the real estates devised by the same will, disputed, and knowing he had the right, he was driven to a compromise rather than go into a court of law and run the chance of a conflicting decision. This proved that the evil pointed out by the reports was not an imaginary one. He had now shown that two out of the four authorities he had referred to (and the only two which had gone fully into the subject) had pointed out the divided jurisdiction as an evil, and each had pointed out a remedy; and, though differing in the mode of carrying out the remedy, the recommendations were substantially the same, that wills of real and personal estate should be adjudicated upon by the same tribunal, administering the same law, and having a bar of the same character. The ecclesiastical commissioners recommended—

> "That, in all cases, the validity of a will shall be tried by *viva voce* evidence and a jury, where any party interested may desire it, or the judge, without such application, shall think fit to direct it; and that such trial shall take place before the judge of the Ecclesiastical Court, or, if such judge shall think fit, or the parties shall require it, before a judge of one of the courts of common law; with such power of granting new trials by the ecclesiastical judge as is now exercised by the latter courts; and that the refusal to direct an issue with respect to any will, or the granting or refusal of a new trial, may be made a ground of appeal."

The real property commissioners agreed substantially in that recommendation. They recommended that there should be but one court for the trial of wills, and that the mode of procedure and trial should in all cases be the same, but having made this recommendation, they add that they could see no difference in principle between the creation of a new court for the purpose and a transfer of the whole jurisdiction to the existing courts. They said—

> "When two modes of innovation are proposed, the question to be tried between them must be, which offers a prospect of the best results? To us it appears that public utility will be better served by making use of the existing tribunals, than by constituting a new tribunal, or one which, though old in name, would in most of its principles and forms of practice be new; and we therefore think that the best coure will be, to transfer the whole of the contentious jurisdiction now exercised by the spiritual courts in matters testamentary to the courts of equity."

He might have his own opinion as to the course which was best to be pursued. It was not now necessary to decide that. He did not wish to frighten hon. Gentlemen by the prospect of long Chancery suits; but he knew that the Court of Chancery, now exercised both an extensive and an expensive jurisdiction in the construction of wills, and he hoped to be able to show at the proper time, that by transferring the decision of these questions to the Court of Chancery, if such a course should be adopted, there would be no addition to the expense; but on the contrary, it would be materially diminished. It was no sufficient reason for departing from the recommendation of the commissioners, (as to the main point of trying wills of real and personal estate before one tribunal), that they did not agree amongst themselves as to the precise mode of carrying out their own principle; What was this except saying that where there was a difference of opinion as to the mode by which an improvement should be effected, the Legislature should on that account abstain from any attempt to remove an evil because there was not perfect unanimity as to the details of the remedy? He came now to the third authority, the report of the committee of the House of Commons on the Admiralty Courts. The right hon. Baronet, the Secretary for the Home Department was quite right in relying upon the authority of that committee to the extent of its recommendation of the abolition of the inferior tribunals, and he (Sir G. Grey) admitted, that the committee recommended the consolidation of the Arches and Prerogative courts, and that to the court so consolidated should be transferred the testamentary jurisdiction exercised by the courts to be abolished. But that committee were clearly in error in assuming as they appear to have done, that both the ecclesiastical and real property commissioners had agreed in the advantages of such a consolidation, without however discussing that point further. He could not suppose that they intended that that consolidation should take place for a less extensive object than that contemplated by the ecclesiastical commissioners; and when those commissioners recommended one court for the adjudication of wills relating both to real and personal property, the recommendation of the committee for the consolidation of the Arches and Prerogative courts must be held to be co-extensive. He, therefore, was entitled to rely upon the report of the committee of that House in favour of a consolidated tribunal to remedy the evils pointed out by the commissioners, by the establishment of one court for the trial of wills of real and personal estate. He now came to the fourth authority. namely, the report of the select committee of the House of Lords on the Admiralty Courts in 1836. That committee in their report entirely concurred in the recommendation that the inferior ecclesiastical tribunals should be abolished, subject only to this qualification, that, for the convenience of suitors, the diocesan courts should be maintained for the probate of wills of small amount, in order to save expense in having those wills proved near the homes of the parties. Now, admitting for the sake of argument, that the object was desirable, there could not be a more clumsy and inconvenient mode of carrying it into effect. Last year, the country had been divided into districts for the purpose of the bankruptcy jurisdiction; this Session a Local Courts Bill was before the House, which proposed to make another arbitrary division of the country into districts, with the object of bringing justice home to the doors of the people. And now by this bill, which upon this point adopted the recommendation of the Lords' committee another division of the country into diocesan districts, wholly different from either of the former, was to be perpetuated. He thought, that the House should, for general convenience, before they proceeded further, agree on some division of the country into districts for all these purposes. As an instance of the inconvenience of the diocesan districts, he would take Chichester, which was a diocese of seventy miles long. There were few places in that diocese from which London might not be sooner reached than Chichester, which was at the extreme border of the diocese, and having no railway communication with the other parts of the diocese. Winchester and Salisbury were only twenty miles apart, and Lyme Regis, which was in the diocese of Salisbury, was sixty miles from Salisbury, and only twenty-five miles from Exeter, Penzance, in the diocese of Exeter, was 100 miles from Exeter. Numerous other instances to the same effect might be given. This arrangement, therefore, would not effect the convenience of enabling suitors to prove wills at their own doors. Indeed, to many parts of the different dioceses London was more accessible than the diocesan city. And, with regard to the proof of wills, such proceedings were much oftener conducted by letter than by personal attendance; and now that the penny postage was in full operation, he should be glad to ask the right hon. Gentleman opposite whether it really made any difference to a party residing at Penzance, for instance, whether he put a letter in the post addressed to Exeter or to London. [*Cheers.*] He was glad to find, from the tokens of approbation which escaped the right hon. Gentleman, that he concurred with him on this point. There was only one other matter of detail to which he should now allude, and which had been strongly urged on the attention of the House in a petition which he had presented from the United Law Society. It was the maintenance by this bill of an exclusive court limited to a certain number of practitioners, and which he considered in the highest degree objectionable. This was a point which, in the future stages of this bill, must undergo full discussion. He should now content himself with quoting the authority of one whose valuable aid upon that and other occasions he greatly regretted they were deprived of—his right hon. Friend the judge of the Admiralty Court. That right hon. Gentleman was one of the ecclesiastical commissioners who had signed the report upon which this bill professed to be founded; and in his evidence before the committee on the Admiralty Courts in 1833 he distinctly stated his opinion on this point. Dr. Lushington, in answer to Question 501, said:—

> "I think the profession has undergone great injury from being so close a profession, and being accessible to so few persons. On this subject, I will take the liberty of saying, that I must not, though a commissioner, be considered as bound by the Ecclesiastical Reports, for it must be remembered, that, at the conclusion of those reports, we state that some diversity of opinion would unavoidably exist among us, and this was one on which my own judgment was, and is, that it would be very desirable that the whole of the common law bar should have access to the bar in Doctors' Commons. I am of opinion, that the interests of the public ought always to be consulted, and the interest of the public can never be so well consulted as when there is the freest competition, as when it is open and free to the admission of persons who ought to be admitted to practise at any bar; for I can never understand why gentlemen, who may practise in the Court of Chancery, and courts of common law, ought to be excluded from Doctors' Commons; the effect of this rule would be to shut out such persons as Lord Brougham, Sir E. Sugden, and Sir S. Romilly."

The House, he was sure, would receive with attention the opinion of so high and competent an authority upon this point. His (Sir G. Grey's) conviction was, that a close examination and full discussion of this measure was required, the result of which, as he hoped would be, to introduce important alterations into the bill, before it passed into a law. It would be with great regret he should find the right hon. Gentleman oppose the motion for referring the bill to a select committee, as he despaired of obtaining for a measure so full of technical matters, that consideration in a committee of the whole House which its importance demanded. If he believed that the right hon. Gentleman would successfully oppose such a proposition, he should, however reluctantly, vote against the second reading of the bill; but as he hoped the right hon. Gentleman would reconsider his determination, and that he might be able to induce the House to adopt the amendments which he should propose, he considered himself justified in voting for the second reading of the bill.

The *Attorney-General* said, that the object of the bill then before the House was to bring under one system the proceedings in ecclesiastical law, and to cause them to be adjudicated in one central court. Although at first sight it might appear that the principle of this bill was directly in opposition to that of local courts, which had been sanctioned by this House, yet he thought that, upon examination, this objection would not be found to hold to the extent some imagined. If the House would consider the mode of administration, in matters not only of equity but of common law, they would find fully borne out the principle proposed to be adopted in this bill. There was but one system of equity throughout the country, and but one jurisdiction on the subject, if he excepted only a court which sat in the county-palatine of Lancaster, and where considerable business was done in cases of injunction and other matters of no very important character. He believed that with this exception the equitable jurisdiction of this country was perfectly central, the Rolls' Court and the Vice-Chancellors' Courts being subject to appeal to the Lord Chancellor, constituting but one jurisdiction. It was true that by means of masters extraordinary, answers and depositions might be sworn in the country, so that the persons concerned in any suit might not be required to come up to London: but all the arguments in the case, and the decision upon it, took place in London. The practice in common law proceedings, it was true, was somewhat different from that in equity, but still, if examined, it would be found that the same principle of central jurisdiction prevailed in it as in the other, though not so directly and immediately. The only essential difference between the two cases arose out of the circuits of the judges, who went from time to time throughout the country to try issues. It was true also, that in various minor matters justice was administered by the magistrates of the county sitting in sessions. But with reference to every trial at assizes in the country, opportunity was afforded to any party to apply for a new trial at the courts in London, and judgment upon all such applications was given at the courts in Westminster. To carry the analogy further, in many cases writs of *certiorari* are available to bring up causes into the Court of Queen's

Bench in the first instance. Now, assuming that this system of a general central jurisdiction in law and equity was one which worked well, he thought it could not be contended but that the system which now prevailed with regard to ecclesiastical jurisdiction, dispersed to a considerable extent through an immense number of petty local courts, was one which it was not advisable to continue. The hon. and learned Member for Oxford said that no petitions had been presented on this subject. But could it be denied that the condition of this jurisdiction had been a subject of complaint certainly since the year 1812, when, in fact, a bill was brought in for the purpose of remedying the evil so much complained of; and with respect to petitioning, after what had been stated by the right hon. Baronet opposite, it might be expected that there would not have been the number of petitions presented on this subject which would have been on any other subject of equal general interest. There were in all 372 courts of ecclesiastical jurisdiction; but they were not like other courts of law presided over by judges, or attended by barristers going from town to town, and coming eventually up to London for the purpose of assisting in correcting any errors which might have been committed in the course of their proceedings. The entire kingdom was at present divided into three provinces in regard to ecclesiastical jurisdiction, namely Canterbury, London, and York. The effect of this state of things was, that if a man died within the province of York having money in the funds, probate must be taken out in the Ecclesiastical Court of York for the purpose of disposing of his furniture and other personal effects; and in that of Canterbury for the purpose of touching his funded property. The present bill would obviate the necessity for this double proceeding. The hon. and learned Member for Oxford said, that this bill was only a part of the wedge by which the church and state of this country were to be disconnected; and when the authority of the first prelate in its favour was cited, he said that these prelates were making a sacrifice which they were not entitled to make, in as much as this measure would involve the privileges and patronage of parties who were to come after them. Why, what was the case with respect to these courts? They were 372 in number. Was there a judge in one? Nothing like it. Was there a registrar in them? No. Were they attended by counsel? Far from it. Was there any means by which the public might obtain a knowledge of the jurisdiction and practice of these courts? There was not. The Ecclesiastical Commissioners with all their industry had found great difficulty in discovering to what extent their jurisdiction spread, what was its boundary, and what was its character. The titles of these Courts were various. There were the Provincial Courts, the Diocesan Courts, the Courts of Commissaries, appointed by the bishop, the Courts of the Archdeacons, and the Courts of Peculiars, some of which were archiepiscopal, some episcopal, some decanal, some subdecanal, some prebendal, and some rectorial and vicarial. The House might ask him what was the meaning of the last terms. The meaning of the terms rectorial and vicarial courts was, that there were certain parishes, being rectories or vicarages, in which the rector or vicar had the exclusive right of granting probates of wills or letters of administration. The hon. and learned member for Oxford was afraid that this bill would tend to separate the Church and State, by giving her Majesty's subjects the means of obtaining justice, for in fact all that the bill did was to let people know where they might apply with certainty to transact their business. But there were some of these courts which really had no reference to the Church or ecclesiastical authority. Some of them were courts of lords of manors, who claimed their jurisdiction under grants so ancient, that they were supposed, in the fiction of law, to have been confirmed by some act of Parliament; of these there were not less than forty-eight scattered through the country. Then there were the rectorial and vicarial courts, of which there were sixty-three. The rest of the 372 ecclesiastical courts were divided to such an extent among deans, prebends, archdeacons, and commissioners, that the archbishops and bishops had thirty-six courts only. If hon. Members would refer to schedule D., No. 6, they would be able to form an idea of the real character of these multitudinous courts, and to judge how far friends of the Church would be justified in voting for their abolition, without incurring the slightest disrespect to the venerable members of our Church, or any want of perfect loyalty and attachment to that union of Church and State which formed the key-stone of our Constitution. If they referred to the immediate province of Canterbury, in page 554 of the report, it was stated that there was an archdeacon's court in Bath and Wells, and his annual salary was 29*l.*; it had a registrar with a salary of 92*l.*; and a deputy-registrar with 31*l.*; having thirty-seven causes, 240 probates, and twenty-seven administrations in three years; that there was a sub-dean's court, with no registrar, and nothing to do; and another with no judge, no registrar, no cause, no probate, and no administrations. The House would find by going through a long detail of these particulars that there were not fewer than fifty or sixty of these courts with neither judges, registrars, causes, probates, or administrations; but they still existed, and existed as traps into which the unwary might fall. No one could tell when he was safe from committing some infringement of these petty jurisdictions. No one could be safe, but some of these judges or registrars might come to him and say, you have taken out probate in the Archbishop's court, whereas it properly came within our jurisdiction; and although there never was a case in which we could or would assert our right, we will do so now. In fact, these courts had no business, no actual jurisdiction, nothing but the barren rights. This was very strongly felt by the ecclesiastical commissioners, who had made an able report upon the subject:—They say,

"The peculiar jurisdictions in England and Wales, with these manorial courts, amount in number to nearly 300. These jurisdictions, as we have already stated, are of several kinds: royal peculiars; peculiars belonging to the archbishops, bishops, deans, deans and chapters, archdeacons, prebendaries and canons, and even to rectors and vicars; and there are also some of so anomalous a nature as scarcely to admit of accurate description. In some instances, these jurisdictions extend over large tracts of country, embracing many towns and parishes, as the peculiar of the Dean of Salisbury. In others, several places may be comprehended, lying at a great distance apart from each other. Again, some include only one or two parishes. The jurisdiction to be exercised in these different courts is not defined by any general law. It is often extremely difficult to ascertain over what description of causes the jurisdiction of any particular court operates; and much inconvenience results from this uncertainty. This variety of jurisdiction has proceeded from different causes, connected with the history of the Church, which it is not necessary here to specify. The peculiars were always considered (he begged the hon. and learned Member for Oxford's attention to this remark) as interfering with the beneficial exercise of the authority of the bishop of the diocese, and proposals have been advanced, at different times, to remove the inconvenience. It was recommended by the commissioners appointed to revise the ecclesiastical laws in the reigns of Henry 8th and Edward 6th, that the power of the bishop, in matters of discipline, should extend to all places within the diocese, notwithstanding any exemptions or privileges they might enjoy. In the reign of Queen Elizabeth a suggestion was made in convocation, or prepared for consideration there, that it should be proposed to Parliament to subject peculiar and exempt sites and jurisdictions of monasteries to the diocesan. Bishop Randolph was occupied with the same design, and made it the subject of several charges to his clergy, in the diocese of Oxford. In 1812, a bill, for the better regulation of ecclesiastical courts, was brought into Parliament by Sir W. Scott, and having passed the House of Commons, was afterwards dropped in the House of Lords. A principal clause in that bill provided, 'That the power of hearing and determining contested causes of ecclesiastical cognizance should be exercised only by ecclesiastical courts sitting under the immediate commission and authority of archbishops and bishops, and not by inferior or other ecclesiastical courts.'"

Now, was not this authority enough for the present measure? The only difference between the principles of this measure and that introduced in 1812 was that, whereas the former proposed to bring all the business of the several ecclesiastical jurisdictions into the provincial courts, the present proposed to bring all that business into one court sitting in London. No doubt this was a change from the plan formerly proposed; and he did not mean to deny that it was a fair subject for argument and discussion. He, for one, was decidedly of opinion that it would be a great improvement to put the jurisdiction in these matters upon the same footing as that of matters in equity. He would beg to read one more passage from the latter part of the commissioners' report:—

"It does appear wholly inconsistent with any sound principles of jurisprudence, that exclusive right of adjudicating on certain subjects should be vested in any court, and yet that court be left without the means of carrying its decrees and orders into effect. We see no reason to expect that these additional powers, so essential to the purposes of justice, will not be discreetly exercised; it is to be recollected that we proceed on the presumption that the jurisdiction of all the ecclesiastical courts, save the provincial courts of Canterbury and York, will be abolished."

If more than one court were found necessary for the purpose of disposing of the public business, which, however he did not expect would be the case, it was his opinion that it was better that they should be both in London than in different districts. The hon. and learned Member for Oxford objected, that the originals of wills should not be removed from the places where they were at present deposited. But for his part he really thought that the convenience of resort, from the fact of their all being collected in London would, compensate for any objection on that ground. The hon. and learned Gentleman spoke of the danger of fire in London, but he really thought, looking at the history of Liverpool, and other places, that London was as free from this calamity as any other great city in the kingdom; and it could never be supposed that the best precautions against fire could not be adopted with a view to the safety of these documents. The hon. and learned Gentleman had also spoken of the facility which this bill would afford for persons to obtain letters of administration to the property of persons who were not dead. But such a fraud could be of no validity, as the whole proceedings would be invalid from the beginning. The whole case would be *non coram judice*; whereas in cases of spurious wills now, a transfer of property under such ostensible sanction would be valid. The hon. Member for Chichester had referred to the case of Tatham and Wright. In this case it was true that probate had been applied for, and that a caveat had been sued out against the will—but when the executors shewed cause against it, the probate was allowed. It was true also that actions had then been brought to call in question the validity of the will, and that it had been decided that it was not a good will. But it must be obvious to all, that, as long as the courts of law were open to all the world, people would appeal against what they considered wrong decisions; and the experience of the world showed that it would be impossible to constitute any tribunal which should be able to settle the validity of a will so as to include all purposes and questions which might arise out of it. One person, claiming under a will, might prove it, and obtain the property, and another—the heir at law, for instance—might in another court institute a suit to show that the alleged testator was not competent to make a will, which was consequently invalid. All those who were acquainted with mercantile affairs, must be aware that precisely the same difficulties sometimes occurred in the adjudication upon ordinary commercial matters. For instance, a policy of assurance on a ship might be signed by twelve different underwriters, and, the ship being lost, if the action was not consolidated, which there was no necessity to do, there was nothing to prevent actions being brought against each of those underwriters, which would be tried before different juries, who might give verdicts in some cases one way, in some cases the exact reverse. The same might, and did occur in regard to fire assurances. The same also of bills of exchange, all drawn, accepted, and discounted under the same terms; in one cause the jury might give a verdict for the plaintiff, and in another for the defendant, on the ground of usury or other cause of defence. In causes where a fiat of bankruptcy had been taken out against a tradesman, it was competent to any creditor to refuse to prove under the fiat, and to bring an action as if the fiat did not exist, alleging that it was a case of fraudulent bankruptcy, or that no act of bankruptcy had been committed. In short, in no branch of business, in no pursuit of life, was it possible to constitute any court, to frame any system, which should meet all the possible cases which would arise out of them, and altogether supersede the jurisdiction of some other court, if any party interested in the case thought proper to go there. These were results inherent in the principle of trial by jury, which it would be as vain as it would be unjust to attempt to exclude any man from resorting to. There was another point to which his right hon. Friend had alluded, and with respect to which he thought he had been wrong. He referred to the question of district jurisdiction. His right hon. Friend had asked why they did not split the kingdom into convenient sections, for the purpose of hearing and deciding ecclesiastical causes. But did the right hon. Gentleman intend to extend his principle to assizes? If the hon. Baronet, the Member for Oxford, was alarmed at the proposed invasion of the jurisdiction of ecclesiastical tribunals, what would the country gentlemen of England think of this newly proposed partition of the kingdom into districts! Did the right hon. Gentleman propose to re-model all the circuits and commissions of peace, and divide the kingdom into sections, without reference to boundaries and ancient usages, which in matters of the sort the people were much attached to? With respect to the Law Society, he could only say if it was the object of that society to abolish the administration of the law in Doctors' Commons, and to substitute a board of equity, he thought that a greater injury could not be inflicted upon the due administration of that branch of law than that which would be inflicted by the adoption of such a step. These courts had to do not merely with questions which occurred in time of peace, but more particularly with those likely to occur in time of war, such as questions of prize money. Was it proposed to abolish these courts altogether, or to revive them in time of war? He would say this, however, that on one point he quite agreed with the right hon. Baronet, that the bill was calculated to confer a great boon upon the community by destroying various local courts, and bringing the administration of this branch of the law under one general system. The details of the measure would tend to give the people that confidence in ecclesiastical law which they possessed in the decisions of other courts of law and equity. With respect to objections made to the details of the measure, he thought that this was not the stage of the proceedings at which they should be discussed. He was not prepared to surrender any of these details, but at the same time he considered that several of them presented fit points for discussion. But he thought that any hon. Member who would take the trouble to read the various authorities and evidence adduced upon the subject, and then say that he was still determined to keep up those 372 courts, in passive existence, ready at any time to come forth and do active mischief, was not such a friend to the pure administration of ecclesiastical law such as he should be did he propose to consider and amend the subject? The hon. Member for Oxford complained of the hardship of depriving a number of people of their labour and subsistence, but this was a mere objection of detail—it resolved itself into a question of compensation, and on the whole he thought that the House should consent to the second reading of the bill.

Lord *R. Grosvenor:* I am well aware, Sir, of the difficulties which beset the path of any one who would attempt to carry through this House a bill for the purpose of effecting any very extensive measure of legal reform. I remember to have read somewhere, that great as would be the mischiefs to a community were the secrets of the confessional divulged, yet that it would be small in comparison with the evils that would arise in Great Britain and Ireland, were those secrets to be laid open which are now in the keeping of the solicitors; and it was thence inferred, that powerful as the priesthood may be considered in a Roman Catholic country, there exists a class still more powerful in this, which, when once united in the attainment of an object, would render all opposition fruitless; and, Sir, whatever may be the influence of the London solicitor upon public opinion out of doors, I think it is manifest, that in this House, at least, that of the country practitioner is far the most formidable. It seems pretty clear that these latter have set their faces against this bill, and I, therefore, augur ill of its future prospects. I beg to be understood as in no respect asserting that any blame is to be thrown upon them for so doing. The blame that I have to cast is rather upon the Government and my right hon. Friend, who knowing the reception this species of legislation was likely to experience, have proposed a bill which, while it was quite certain to excite a most formidable opposition by the extent of its enactments, has stopped short of that entire reform which would have carried out all the recommendations of the commissioners, which would at least have conciliated the good will of the London practitioners, and many Members would have been tempted to run some risks in support of a great, intelligible, and useful principle of law reform. Now, Sir, if the House will permit me, I will shortly notice the leading principles, of this measure and state the reasons why it will not be in my power to vote for the second reading. There is one principle in the bill in which I entirely concur, and that is, the abolition of ecclesiastical jurisdiction in purely civil matters, and the substitution of the royal jurisdiction; ecclesiastical jurisdiction in these matters is no part of the old law of England, it is a remnant of Papal encroachment, and I think it would be greatly to the advantage of the public were it entirely abolished, as proposed in this bill. But here my approbation of its principle ceases. I do not approve of the complete ademption of business from the local courts; and least of all do I approve of the retaining the exclusive practitioners, and all the attendant evils of Doctors Commons. It is quite impossible to justify the exclusive practice of the proctors; I have never heard any attempt at a sound reason, nor have I ever heard it alleged that there was anything of such an alchymical nature in the forms and practice of civil or canon law, as to require the entire devotion of a man's time and faculties, in order to become cognizant of them; and only see what an appearance it has—by preserving this monopoly at Doctors' Commons you are dealing hard measures to all the snug little things in the country, whilst all the time you are seeking to perpetuate your monopoly in London. I confess I much regretted that the right hon. Baronet the Secretary for the Home Department should have thought fit to throw out a vague charge of self-interested motives against those who oppose his bill. Now, it is not a wise proceeding on the part of any Member of the House, still less a minister of the Crown, to throw out these vague charges, and I think I can show the right hon. Baronet that in this case it was peculiarly uncalled for. The right hon. Baronet must permit me to recall to his recollection, what I have already adverted to, namely, that this is not a bill for the thorough re-construction of these courts on enlightened principles—while one abuse is to be destroyed, another is to be perpetuated; and I will therefore beg his attention to a weak, and a very weak point in his case. We say, give us a case of grievance, owing to the law being administered improperly or partially; show us a list of witnesses who have given evidence of the injury that has been inflicted upon them, and the vain demands of redress; bring forward your bill which proposes to remedy these evils, and if we oppose it without at the same time suggesting an equivalent, why then charge us with obstructing a good measure of reform, for the self-interested motive of keeping up a valuable grievance; but in this case, although no doubt you collect together a very handsome row of names, recommending certain changes, where are the witnesses who allege their wrongs? where are your petitions or documents complaining of grievance? They do not exist. The right hon. Baronet may then charge us with obtuseness in not comprehending all the advantages of the system he proposes, but he cannot, in fairness, charge us with self-interested motives. There was also something in the tone in which the concluding remarks of the right hon. Baronet were made, which, if I rightly interpreted it, I much regret. He stated that he could not hold out any hope of the Government acceding to the wish expressed by some that this bill should be referred to a committee upstairs—that the Government had not proposed it without great consideration, and that, if the House rejected it, upon them must be the responsibility; he should have done his duty in proposing it. From this I understand the right hon. Gentleman to mean that we must have this bill or nothing. Now, I think, considering the great differences of opinion that are known to exist, both in and out of this House, upon the subject—amongst men too, who, if not of quite such high station as those, whose names have been paraded to the House by the right hon. Gentleman opposite more than once, are at least from their abilities and professional attainments entitled to the consideration of the Government, when dealing largely with individual interest, as upon the present occasion; and that, considering that there are many parts of this bill which all parties are agreed in thinking might be enacted with great benefit to the public—it is hardly becoming in the Government peremptorily to refuse to consider whether or no amendments can be admitted calculated to meet the wishes of some at least of the objectors to this bill. I the more regret the conduct of the Government on this occasion, because this is the first bill of this kind they have proposed to the House; and if this is a sample of the way in which they intend to proceed in similar cases, I quite despair of any of those legal reforms being carried out, which I am quite as anxious for as any other Member of this House. The whole system of the law of real property, if system it can be called, is a mass of inextricable confusion, daily becoming more and more difficult to unravel; it defies the most patient and laborious research of our ablest conveyancers; it is a premium upon fraud and swindling; it entails a grievous expense upon all who deal with it. Yet I would press upon the Government, that crying as the evils may be, the reforms can only be carried by degrees, and with a patient regard and attention to those complaints, many of which may undoubtedly be raised by self-interest, but some of which will be founded in fact. Above all, they ought not to attempt to force upon the House a measure, which, while it reforms many minor abuses, retains one large one, the exclusive practitioners of Doctors' Commons, which, is, notwithstanding what has been said by the two hon. and learned Gentlemen who I will not say are self-interested, absolutely defenceless. Sir, considering the serious objections made to the entire abolition of all the local courts, and I can most positively declare that these objections are by no means confined to interested classes, it would have been far better, even supposing all the contentious business be removed to London, to have left a register-office in each diocese, where it might be lawful to transact all the voluntary and common form business, the parties having an option to come to London if they please. The wills proved to remain in the country registries indexes to be sent up to London, penalties to be imposed upon the responsible persons for any damage arising from incursions from those ill-famed animals alluded to by my right hon. Friend in his opening, or any other, the result of negligence on the part of the keepers. Thus, when a suit upon the construction of any bequest arose, or as to the descent of real property, at the assizes, involving the production of the original will, those who make use of the local registry would be enabled to bring it into court, and save a very large expense. Had this mode of proceeding been adopted —if the local registries were of no value— then the parties having the option would go to London; but if, as we maintain, they are of very great advantage in their different neighbourhoods, we should have the opportunity of establishing the fact beyond a doubt by the use, that would be made of them; valuable local institutions would be preserved; and the various reforms in practice, upon the advantage of which all would agree, would be carried into effect. I am not one of those, Sir, who desire to see her Majesty's Court of Probate and Administration in London abolished, and the business transferred to the Court of Chancery; for, of all conceivable causes, those which imperatively demand immediate adjudication are successions in property. Assimilate the forms transferring and adjudicating the devises of real and personal property as much as you possibly can; compel all your country courts to obey implicitly the rules laid down by the superior court in London; but, for Heaven's sake, do not throw the suitors, in causes to try the validity of wills, into the already overburdened courts of equity. But, Sir, as this bill is inconsistent in principle, and proposes at once to abolish the local registries, without giving them the fair trial in a reformed state which I think they have a right to demand; and as the Government hold out no hopes of acquiescence in any of the alterations suggested; although approving entirely of the abolition of ecclesiastical jurisdiction in civil matters, and many minor provisions of the bill, it will not be in my power to vote for the second reading.

Sir *James Graham* explained, that the noble Lord was mistaken in supposing that he had thrown out any disrespectful insinuations as to the motions of hon. Members who did not agree with the principles of the measure. He would add, that he considered it preferable that the bill should be discussed in the House, rather than it should be referred to a committee up stairs.

Captain *Fitzroy* regretted the course which the Government had pursued with reference to this measure. He was in hopes that they would have allowed the bill to drop still-born, instead of pressing it upon the notice of the House. Although he was generally found among the supporters of her Majesty's Government, he felt it to be his duty to oppose this particular measure. He had not been canvassed by any solicitor to oppose the bill. He acted entirely upon his own judgment in the matter. He thought the measure, if carried, would inflict a great injustice upon a large number of men, without giving rise to any counterbalancing advantages. By this bill the archdeaconry of Lewes would be abolished, whilst the archdeaconry of Chichester would be retained. The latter archdeaconry was situated at the extreme end of the county, and, therefore, those who formerly would only have to go to the court at Lewes would hereafter be compelled to travel to the archdeaconry of Chichester to establish their claims. This would operate most prejudicially to many persons. They proposed to adopt the system of centralization. Before doing so, they ought to ask themselves the question whether the practice of Doctors' Commons was of so superior a character as to warrant them in abolishing at once all the local tribunals, and transferring the administration of the law to the former court? Were there not cases on record showing the grossest negligence, want of prudence, and circumspection on the part of those who were intrusted with the administration of the law in Doctors' Commons. He contended that there would be in centralization no greater economy than in the system which had for centuries prevailed; for example, at Lincoln charges which amounted to only 7*l.* 14*s.* 6*d.*, became for the same thing a sum of 16*l.* 15*s.* 6*d.* in the Prerogative Court; and he believed it would, upon examination, be found, that in the transaction of business as little was gained in time as there was in the matter of economy. It was not immaterial to observe, that the only authority in favour of the present measure which could be adduced with any effect was the recommendation of the Ecclesiastical Commissioners. They, it was true, recommended the abolition of the courts, but what was the state of the facts respecting that proposed abolition? At the time the report was made up as many as four of the bishops upon that commission were absent from London. These were the Bishops of Lincoln, of Durham, of St. Asaph, and of Bangor. Two of those right rev. prelates signed the report with a strong protest against the clause which recommended the abolition of those courts. In the course of the present discussion it had been said, that it was highly desirable to have all wills deposited in London, on account of the frequent necessity that there existed for the production of those documents in the Court of Chancery. Now, there was no one acquainted with the practice of that court who did not know that the production of original wills there was by no means frequent, whereas the reverse was the case in the assize courts; therefore, they ought to be kept in the locality where they were most frequently needed. There was another subject to which he wished to call the attention of the House, and that was the compensation proposed to be given to the registrars. It was understood that compensation was not to be given to any persons appointed since the year 1836; it must, however, be recollected, that many deputy-registrars who had been efficient officers for many years before 1836 had received the appointment of registrars in chief within the last seven years. Now, it appeared to him, that nothing could be more unjust than to deprive those persons of their employments and give them no compensation. As this bill, then, would inflict great injury on several individuals, and as it did not, in his opinion, offer any countervailing advantage, he should give it his decided opposition.

Mr. *Newdigate*: Mr. Speaker, it is with grief, it is with regret, that I find myself, for the first time, upon my legs in the House of Commons to oppose her Majesty's Government, particularly on this subject, in which I am personally interested. I should have been glad to have remained silent; but since I believe, that I am the only owner of a peculiar at present in his place; and since some misunderstanding seems to have arisen out of what fell from the right hon. Baronet the Secretary for the Home Department when this subject was last under consideration—and since some hon. Members think that, the expressions used by the right hon. Baronet implied, that certain hon. Members were influenced by private interests in their opposition to this measure —I feel bound to explain the motives which actuate me on this occasion. Individually, I do complain, that the effect of this measure, if carried, will be a direct violation of property as strictly my own as the house I live in; which was re-granted by the Crown in the reign of Henry the 8th at the exact period when the right hon. Gentleman the Attorney-general has stated, that complaints were first publicly made against the peculiar jurisdictions." But 'Gentlemen" (Sir, I beg to apologise if from being unaccustomed to speak in such a place as this, I have made use of an improper mode of expression)—but, Sir, I beg to state, that I object to this measure on public grounds far more important than those I have alluded to. I object to this measure as a part of that system of centralization, of which we have had far too much in our legislation of late years, a system essentially democratic. Sir, if I stated this on my own authority, God knows, that would be light enough, but I state, that it is so, on the authority of M. Guizot, as declared in his writings on the life of Washington. The fact that the tendency of this measure is democratic, might recommend it to some hon. Members opposite; but I yet think, that it is too arbitrary to meet their approval. There are other reasons on account of which, I disapprove this measure. I believe that it will subject the public to serious inconvenience and expense, for even supposing, that the charges of the central court as proposed in this bill, should be somewhat lower than those of the local courts. If you add to these the cost of the journies to London, which parties having testimentary business in the country will be compelled to undertake; or if in lieu, you add the cost of their acting by letters of attorney or some other means equivalent to them, which they cannot avoid, I much doubt the practical economy of this measure. Sir, I have spoken totally unprepared, but I do beg to say, that if I oppose the second reading of this bill, I do so as the representative of North Warwickshire, not as the sole ordinary of the peculiar of Harefield.

Sir *G. Strickland* said, that as a magistrate he could speak to the great grievances to which the ecclesiastical courts as at present constituted gave rise. If two persons in a country town fell out and used bad language to each other, one of them, if connected with an attorney, might be induced to make application to the ecclesiastical court, a process issued, and this was followed by a citation. Poor people understood nothing of these things and did not know when they should put in an appearence, or what was meant by such a proceeding. In a short time, however, their pigs, their cows, and their furniture were sold, under an order of the court. He greatly regretted that the worst part of the jurisdiction was to be preserved. This was a species of reform with which the people would not be satisfied. He must oppose the second reading of the bill.

Mr. *Collett* approached the discussion of this bill with diffidence, arising from a consciousness of his inability to grapple successfully with the intricacies of the question: but he owed a duty to his constituents, and he trusted that the House would be indulgent to him whilst he endeavoured briefly to discharge that duty. The disadvantages, under which he laboured were increased by the impossibility of offering any original observation after the able speeches which had already been delivered. He opposed the measure as being uncalled for, insulting, and unjust —uncalled for, as no general complaints had been made by the people, nor petitions presented, for an alteration of either the law or the system — insulting, as assuming by clause 71, that the country proctors connive at fraud and perjury—and unjust, as it robbed one class of practitioners for the profit of another, and removed justice from the poor man's door. The most objectionable feature in the bill was that principle of centralization which it was too much the fashion of the day to advocate upon all occasions; but, as a well-written periodical tersely remarked, that—

> "Although France may be Paris and Paris France, yet London is not yet England nor England London, whilst we have in our provinces those local institutions as ancient as they are wise and national."

He believed that he could assert upon good authority that the ecclesiastical commissioners' report, upon which this bill was said to be founded, had been altered in an unwarrantable manner; but, whether that was the case or not, the measure had been framed in direct opposition to the expressed opinions of many of the highest dignitaries of the Church, and without due inquiry into the working of the present system. The present mode must necessarily be more convenient and economical to the public than the one proposed, as all business done by deputy entailed increased expenditure. The principle of the first clause, viz.,—the abolition of courts inferior to the diocesan, and every place to form part of the province where situate, was unobjectionable, and also that a reasonable number of county courts say one testamentary court in each county, be allowed; but a reduction from 400 to 28 was of too sweeping a character to meet with his concurrence. If these county courts did so bad, why was it proposed to impair them, rather than improve them, leaving all the brawling and defamation cases to be decided there, not by gentlemen, but by inferior attornies at 200*l.* per annum? It appeared singular to him that this measure had been introduced at a time when it was confidently hoped that the numerous decisions on the act of Parliament passed for the amendment of the law of wills would produce uniformity of practice. Why limit the practice of the country proctors to the proving of wills under 300*l.*? Already the metropolis swallowed up more than two-fifths of the entire business, and more than three-fifths of wills above 300*l.*, for in the year 1841 2,915 wills out of 6,821 were proved in London. He trusted that the hon. and learned Member for Cardiff would, upon reconsideration, announce this measure to be an open question, as was the case in May 1834, when the Ministerial bill for a general register on wills was defeated by a large majority, 45 having been for it and against it 161. If the contrary, he should be obliged with deep regret to vote against a Government to which he generally gave his hearty and independent support, and whose management of the affairs of this mighty empire was deserving of the highest eulogy. He must thank the House for the indulgence shown to him, and, in conclusion, express his decided opinion that this attempt to deprive the public of the convenience of their local courts was an infringement of those inalienable rights which a long succession of ages had consecrated, and for that reason he gave his cordial opposition to the second reading of this bill.

Mr. *Elphinstone* said, although I am ready to admit that many serious objections do exist with regard to certain clauses of this bill, yet, taking it as a whole, I shall vote for the second reading, because, after attentively considering the more important clauses, namely, those which relate to the proving of wills and to the granting of administrations, I am firmly convinced that if the principle on which they are founded be fairly and honestly carried into operation, the government will confer a considerable benefit on the public, and effect a real and substantial improvement in the administration of justice. Now, I understand the principle of these clauses to be, the utter and entire removal of all matters relating to wills from the jurisdiction of the Ecclesiastical authorities, and the placing them, for the future, under the control and authority of a new lay court, of which the judge is to be appointed by the responsible advisers of the Crown. I, for one, am of opinion that this will be a most desirable improvement in the law; for I think I shall have no difficulty in showing to the House that the best interests of the public are seriously injured by their having these matters—which do not in any way relate either to the discipline or the doctrines of the Church of England —adjudicated upon by the judges and registrars of ecclesiastical courts, a class of persons who, I must say, have generally been placed in their present situations neither on account of their knowledge of the law nor of their judicial fitness for the office which they hold. In regard to wills and administration, whatever may be said to the contrary by interested parties, the interests of the public require that one efficient court should be established in London, with a proper registry attached to it, where wills can be properly proved, and where they may afterwards be properly preserved and taken care of, and where every facility could be given to the public for making searches. It ought to be understood by the House, that the granting probate of a will is not, as is sometimes supposed, the mere registration of the document; but in point of fact (wherever the business is properly conducted), involves an attentive examination and perusal of the whole will, in order that it may be ascertained that the laws relating to wills have been properly complied with. I need hardly say, of necessity, that this requires considerable legal knowledge and attainments on the part both of the judge and registrar. I may mention a case which came to my knowledge only yesterday. A gentleman of the name of Leigh died lately, leaving 100,000*l.* in Chester, and 60,000*l.* in the jurisdiction of the province of Canterbury. The executors took the will and (seven) codicils to the Chester registry, where probate was granted of all the documents. When the executors brought the same documents to the Prerogative Court of Canterbury, it was at once discovered that the last codicil revoked five others, so that probate ought only to have been granted at Chester of the will and two codicils. If this mistake had not been detected at the Prerogative-office in Doctors' Commons, the executors might have paid large legacies to persons in no way entitled to them. It is scarcely possible to conceive a worse system than exists at present; for while, in the Prerogative Court of Canterbury, and in perhaps two or three of the bishops' courts, the business is exceedingly well conducted, there are no less than 372 inefficient courts scattered in every part of the country, which exercise jurisdiction over the right of succession to personal property. Of the 24,000 or 25,000 probates of wills of administration that are annually granted, only about one-half are proved in the Prerogative Court, so that the remaining half are under the jurisdiction of courts which I do not hesitate to say, are utterly unfit for the duties assigned to them; nearly 42,000,000*l.* of property passes through these courts annually, so that the House may judge of what importance it is that the business should be properly conducted. Most of these country courts derive their authority from the most superstitious ages of the Church; others from lords and ladies of manors, and some few from the Crown, but they all differ in their practice and in their regulations, excepting that of extracting large fees from the public; and in the greater part of these courts neither the judge nor the registrar have any knowledge of the law, and are consequently incapable of performing their duty with advantage to the public; they are usually unattended either by council or solicitor to watch or control their proceedings, and the consequence is that the greatest injustice is frequently committed, and blunders of all sorts are continually occurring, and property is frequently transferred to persons who, by the law of England, have no right whatever to succeed to it. Now, Sir, I state these facts to the House, not only from my own observation, but on the authority of every competent person who has paid any attention to the subject. A commission was issued by the Crown, in 1831, to inquire into the state of the Ecclesiastical courts; this commission consisted of the two archbishops, several bishops, and Lord Tenterden, Lord Wynford, Chief Justice Tindal, Sir C. Robinson, Dr. Lushington, and Mr. Cutler Ferguson; all these learned individuals came, in 1832, to an unanimous report condemnatory of the present system. I will merely read an extract from the report relating to the peculiar and diocesan courts:—

"With respect to the contentious jurisdiction, it is wholly impossible that justice can be administered efficiently, and with satisfaction to the public. In the majority of the peculiar courts, and, perhaps, in all, there neither are nor can be efficient and experienced judges, officers, advocates, or practitioners. The emoluments are too small, and the number of causes too few, to ensure these requisites for the due administration of justice. Consequently no confidence is placed in these tribunals; and delay arises and expence is incurred, in applying for letters of request, or in resorting to other means of escaping the jurisdiction. In some cases, too, the grievance is enhanced by the multiplication of appeals. With regard to testamentary cases, the inconvenience is, perhaps, the greatest. There cannot be expected, and, in fact, there are not to be found, safe places of custody for the wills to be deposited in the registries, and thereby the most important titles to real and personal estate may be endangered. In admitting testamentary papers to probate in common form, according to the existing state of the law, an accurate knowledge of the rules which ought to govern the practice is very essential; but where the opportunities of acquiring experience are few, such accuracy cannot be attained. In cases where it is necessasy to make searches, the multiplication of courts for the probate of wills of course greatly increases the trouble and expence. On the question of *bona notabilia,* many difficulties result from these searches, and sometimes more serious injury. It would be easy to set forth many other reasons inducing us to suggest the entire abolition of these jurisdictions; but, as we are not aware of any one benefit which would result from their continuance, we conceive that the circumstances already stated will suffice." "In the course of our inquiry we became early convinced of the impracticability of having judges duly qualified, together with a competent bar and skilful practitioners, to administer in the diocesan courts the testamentary and matrimonial laws, which involve matters of such very high importance to the parties litigant, and to the public. The returns which have been obtained from the diocesan registries, show that the annual amount of business and the emoluments of the judges and other officers, and of the practitioners in these courts, make it impossible, in the greater number of dioceses, that efficient courts can be maintained. This is a defect which, if it cannot be removed, outweighs all the advantages that may sometimes attend the exercise of episcopal jurisdiction within the local limits of the respective dioceses."

In 1833 a commission was also issued to inquire into the state of the law relating to real property: that commission consisted of Lord Campbell, Mr. Tinney, Mr. Duval, Mr. Duckworth, Mr. Brodie, and Mr. Tyrell. Although that commission proposed a different remedy from that proposed in the present bill—although they proposed to transfer all jurisdiction over wills to the already overburdened and expensive jurisdiction of the Court of Chancery—yet they unanimously agreed in condemning the present system. These commissioners, in their fourth report, stated—

"Serious evils are occasioned by the existence of the numerous jurisdictions which we have described, in addition to the inconvenience arising from the frequent necessity of obtaining several probates of the same will. The number of the courts, and the extent of the jurisdiction of many of them, cannot be ascertained; the right to some is contested between superior and inferior, and between spiritual and lay parties. Many of them have not hesitated to grant probate of any wills which have been brought to them, without troubling themselves to inquire whether they were usurping a jurisdiction which did not belong to them. There is no uniformity in the practice or rules by which the various courts are governed. Many of them are without competent judges and officers for the due administration of justice, and few have secure places for the custody of the important documents which they compel parties to deposit, and in many of them such documents have not been preserved, except within a late period. The numerous jurisdictions, and the difficulties occasioned by them, are one of the causes of delay and expense in the transfer of real property. The evils arising from the existence of courts of probate, so numerous and so variously constituted, are, we believe, admitted by all who have considered the subject. Even those who are the most disposed to attach value to the system of probate, agree in wishing to diminish very greatly the number of the courts, and to remove many anomalies in their proceedings, and of late it has become the prevailing opinion that, if the system is to be retained, there should exist only one court of probate for the whole of England and Wales. The continuance of the diocesan courts has been advocated on account of the facility thereby afforded to persons resident in different parts of the country who may wish to see the wills of their relations. Upon the whole, however, we believe it would be found that greater general convenience would be obtained by the abolition of all district jurisdictions whatsoever. The present dioceses are very irregular in size and shape; some of them extend into several counties, and in others there are some parishes at a great distance from the cathedral; so that most of the reasons stated in our second report for preferring a metropolitan register of deeds to county registers would apply, and perhaps even still more strongly against the continuance of diocesan jurisdictions."

And in the valuable appendix to that report by Mr. Gale, I find that that gentleman says, when speaking of the peculiar and diocesan courts,

"Several of these courts are in a state of anarchy. In one, because the judge (the perpetual vicar) is beyond the seas, all business is suspended till his return; in another there is not any business transacted, because of the disability of the lord of the manor; and another because the chief estate is in Chancery; in a fourth, the judge avoids, as far as possible, all occasions of exercising his jurisdiction, though he has accepted the office. His peculiar is a 'lawless place,' and he knows of neither limit to, nor remedy for, his fees, nor of table or precedent. One of the late Parliamentary returns on ecclesiastical courts furnishes copies of the patent appointments in two dioceses, Norwich and Lincoln, which are probably a fair average sample of the whole. It therein appears, that in Norwich archdeaconry, a major-general, a son of the bishop, and his (the major-general's) son, both extra diocesan residents, are successive patentees for life of the office of commissary's register; and a rev. son of the bishop, archdeacon, and, by patent for life, commissary; and a son of this archdeacon and commissary patentee in succession of the office of registrar of the archdeacon's official. In Sudbury archdeaconry, a grandson of the bishop is patentee for life in succession of the office of registrar; and in Suffolk archdeaconry, another son of the bishop is patentee for life in succession of the office of commissary's register, an archdeacon of Sudbury, and his only son and his nephew are successive patent official registrars for life. A chancellor of Norwich, and an official of Norfolk archdeaconry, are of the same name, and probably the same person; a brevet lieutenant-colonel in his Majesty's service, of the same family, is patentee in succession of the office of Sudbury registrar; and another individual of the same family, in the several patent offices of official, and of registrar of Norwich archdeaconry; and persons of the same family are in the patent offices of the Suffolk commissary's registrar and the Suffolk official's registrar. In Lincoln diocese, one of the sons of a late bishop is archdeacon, and another of his sons registrar of the commissary of Buck's archdeaconry. Two persons of the bishop's name hold the patent offices of commissary's registrars of Leicester archdeaconry, of registrars of Lincoln archdeaconry, and of commissary's registrars of Stow archdeaconry. One of the bishop's grandsons is patent official, and two of his sons are patent registrars of Lincoln archdeaconry. The same rev. gentleman is patent official and patent commissary of Bedford archdeaconry, and patent commissary of Huntingdon archdeaconry. The archdeacon of Bucks appointed his son and two of his grandsons his successive registrars. The archdeacon of Huntingdon appointed a patent official of his own name. The same three persons are patent registrars and patent commissary's registrars of Huntingdon archdeaconry, and one of the said three persons is patent commissary of Leicester archdeaconry."

A committee of this House also sat in 1833 on the Court of Admiralty, when a decided condemnation was expressed of the present system. If the House required further confirmation of the evils of the existing system, I would only refer them to the law reports of the superior ecclesiastical courts in London, in almost every page of which they will find the statements I have now made confirmed. Now I must say, that this is a state of things which requires an immediate remedy. I think the bill now before the House may be considered as a great and desirable step in the right direction, towards an effectual improvement of the present system. But while I give every credit to the Government for the main provisions of this part of the bill, I must say that in my opinion a very great mistake has been committed in exempting property under 300*l.* from its operation. In fact, I am totally at a loss to understand on what public grounds of expediency this exception has been made. The only reason that I can guess at is, that my right hon. Friend has been induced to make this proposal with the view of conciliating certain interested parties in the cathedral towns; but while the Legislature would be making a good bill for the rich man, they would be mak-a bad bill for the poor. In point of fact, the poor man would be placed in a worse situation than he was before; for while the will of a rich man would be transferred to a good court, the will of the poor man would not only be left in a bad court, but it would be left under the jurisdiction of courts which will gradually become worse than they are now, because there would be less business transacted in them, and, consequently, the registrar and other officers would have less experience than at present. If any difference is to be made between the rich and the poor, it will be far better for the interests of the poor man that his will should receive probate in London, where his interest could be protected by the vigilant eye of an experienced judge; and that the will of the rich man should be left to the county courts, as the interests of the rich could be protected by the expense of counsel. The House ought to recollect that the proper distribution of the hard earnings of the working classes is of as much consequence to their humble relatives, as the distribution of a large funded property to the relations of a wealthy banker. No one knows better than my learned Friend (Dr. Nicholl), that the amount of property disposed of in a will affords no criterion whatever of the amount of legal knowledge required to determine on its validity or invalidity; blunders and mistakes occur much more frequently in the wills of a small than in those of a large amount of property. It appears by a return now on the Table, that out of 21,937 stamps which are sold annually, no less than 5,318 are sold in the country for properties under 300*l.*; this return of 5,318 stamps under 300*l.* shows clearly the large number of wills which might be negligently and improperly proved if these clauses remain in the bill. I sincerely trust that on reconsideration the Government will consent to strike these clauses out of the bill, and follow the report of the commissioners who have made no such exception; at any rate, when the bill is in committee, I shall take the sense of the committee on the propriety of omitting this very objectionable provision. There is another point, however, which I am sorry to see omitted in this bill. I find no mention of wills of reality. The House is probably aware, that under the present law, wills of realty do not now require to be proved; the consequence of this is, that many imperfect documents are now locked up in the muniment rooms of landed proprietors, and which cause, at a future time, great trouble and expense in proving the titles to estates. A clause to meet this defect in the law was inserted in Lord Cottenham's bill of 1836. I think a similar clause might be inserted in the present bill. The same number of witnesses, and the same ceremonies, are now required for wills both of personalty and realty, and I therefore think that the same court which grants probate of a will of personalty, ought to grant probate of a will of realty. Sir, I have now expressed my opinion on that part of the bill which relates to wills, subject to the alterations I have suggested. I am convinced it will have a beneficial effect. I regret I cannot speak so favourably of the remainder of the bill. In the first place, I think the labour might be more evenly divided between the two judges at Doctors' Commons, with great advantage to the public interests. Thre will always be two civil law judges at Doctors' Commons, namely, the Judge of the Arches and the Judge of the Admiralty, selected from the bar of civilians on account of their legal attainments; and our object ought to be to divide the business as equally as may be between these two learned personages. Now there are four distinct classes of cases which come into litigation before the civil law courts—first, Admiralty cases; second, ecclesiastical, (strictly so speaking) cases; third, wills and administrations; and, fourth, matrimonial suits. It appears to me that one of these judges might take the Admiralty and matrimonial causes, and the other wills and ecclesiastical matters. By this arrangement each judge (*i. e.*,) Judge of Admiralty and Judge of Arches) would have about the same quantity of work, and you would have at the head of each court judges in whom the bar and the public could confide. It appears to me that the plan which is proposed in this bill, of making the vicar-general in each province the legal assessor of the archbishop, or rather, the supreme judge in ecclesiastical matters, is most objectionable in every point of view. I beg also to observe, that this formed no part of the plan of the bill which was introduced by Lord Cottenham, and which bill has been praised by so many Members on various occasions. Now if I understand the bill now before the House correctly, it is proposed that all matters under the Church Discipline Act relating to the punishment of the clergy for any offences they may be guilty of in respect to ecclesiastical matters, is in the first instance to be tried by the chancellor of each diocese. If proper chancellors are appointed, and if the bishops are compelled to appoint persons with a competent knowledge of the civil and canon law, I should have no objection to this part of the arrangement, but then the right hon. Gentleman proposes that the appeal from the chancellor is to the archbishop and his vicar-general. Now from this I totally and entirely dissent; there cannot be the least necessity for converting a vicar-general into a superior ecclesiastical judge. The appeal ought to be to one of the civil law judges in Doctors' Commons, who must always have great professional experience in the ecclesiastical laws. A vicar-general was or ought to be the legal adviser of an archbishop, in fact a sort of Attorney-general to an archbishop; and it appears to me to be contrary to every principle of justice that any individual (however eminent his talents may be) should one day be advising a prosecution and on the next day be sitting as judge in the very case in which he had advised further proceedings. In my opinion, the vicar-general ought always to be an advocate in practice at the bar; but if an advocate in full practice is to be made a supreme judge while he remains at the bar, parties would, of course, take means to ascertain his opinion, by submitting a case before the trial came on. I also think (though pecuniary matters are of secondary consideration) that the expense of vicar-generals might be materially diminished, and that we might obtain for 1,000*l.* per annum a perfectly qualified advocate to hold the united office of Master of the Faculties and vicar-general, provided the vicar-general is only to be a legal adviser and not a supreme judge. I think I may venture to say, that this is the opinion of almost every member of the bar at Doctors' Commons with whom I have conversed on the subject. I hope my right hon. Friend will re-consider this part of the bill. I cannot help also suggesting, that it would be far more convenient if this bill were divided into four smaller bills—one bill for wills and administrations, one bill for suits relating to matrimony, one bill for suits relating to ecclesiastical matters, and a fourth bill for the salaries of the judges and other officers, and for compensation to such officers as were abolished. This course was adopted when the Admiralty Court was reformed, and I think it would be an excellent precedent on the present occasion. However, Sir, there is so much that is good in the present bill, that, knowing the great abuses that now exist, and feeling how difficult it is to alter any institutions where so many parties are interested in their continuance, I shall cheerfully vote for the second reading, being well persuaded that if this bill is carried, even in its present imperfect state, it would confer great benefit on all classes of the community.

Mr. *Escott* remarked that the hon. Member who had just resumed his seat, and the right hon. Member for Devonport, were the only members on the opposition side of the House who had yet declared their intention to vote for the second reading of the bill. At the same time, they had urged such various and important objections against the measure, that if he wanted any reasons for opposing the second reading of the bill, he need not seek for them further than in their speeches. He, however, required no additional arguments to convince him of the propriety of opposing the bill; upon that point he had already, on consideration, made up his mind. The House had been told, on the part of the Government, that the bill must be passed as it stood; that no alterations would be allowed to be made in committee [expressions of dissent]. He would willingly correct himself if he were wrong; but he would be glad to hear what alterations were to be made by the Government. No projected alterations had been announced, and, therefore, it was the duty of the House to take the bill as they found it, and to determine for themselves whether good or evil predominated in it. If they thought evil was predominant, let them reject the measure at once; if good, they ought to vote for the second reading. He fully admitted that the greatest necessity existed for a reform of the Ecclesiastical Courts; and one reason why he opposed the present bill was that he considered it an inadequate measure of reform; that, in fact, under the name of reform, it would increase the acknowledged evil tenfold. The hon. and learned Member then read some extracts to prove that the officers in the provincial courts discharged their duties efficiently, and referred particularly to the case of one gentleman whom he knew, and who, he said, was an attorney, and a proctor, but an honest man. If, without effecting any public advantage, the House should proceed to spoliate and rob respectable men like those, they might depend upon it their conduct would be visited upon them hereafter [*cheers*]. He knew the meaning of that cheer; it was a repetition of the taunt thrown out on a former night by the right hon. Baronet the Secretary for the Home Department, that some Members were afraid of opposing the bill, lest by so doing they should suffer in their elections. For his part, he denied being actuated by any such motives; and he ventured to say that there had been nothing in his public career to justify such a suspicion. Much of the evidence given before the commissioners, was of a very loose character; for instance, Lord Campbell gave it as his opinion that it was easier for a man to travel up to London from the extremity of the kingdom, than to go to the next market town; and this monstrous proposition was gravely recorded. He should like to see Lord Campbell with a pair of heavy nailed shoes on his feet, trudging up to London as many a poor man would be obliged to do if this bill should pass into a law. If those who opposed the bill could be charged with being influenced by selfish motives, the charge might be retorted on those who supported it. No one who knew the judge-advocate could for a moment believe that he had other objects in view, but the public benefit; but ill-natured persons would not fail to remark that this bill placed a great number of valuable offices at the disposal of the principal judge in the ecclesiastical courts. He believed that three out of the four bishops, whose signatures were attached to the report of the commission were opposed to the objectionable clauses of the bill. True, there remains the signature of the Archbishop of Canterbury, whom every one revered; but the House were at liberty to consider the grounds on which the most rev. Prelate had given his sanction to the report. He did not attach much value to signatures, for within the last few days he had seen the signatures of two eminent legal functionaries attached to a document which authorised the exaction of fees from poor persons, in direct violation of the first principles of law and justice. In conclusion, he denounced the measure as another illustration of the vulgar practice which had prevailed during the last ten years of pointing the finger at an abuse, and then proposing some change, and calling that reform.

Mr. *G. H. Vernon*: It would be much more agreeable to my feelings to give a silent vote on this question, but filling the situation of Judge of the Ecclesiastical Court of York, I must not shrink from the duty of declaring publicly the opinions which are the result of long experience on this subject. It may become necessary in the course of that discussion that I should make statements which may cause annoyance to persons whom I should be unwilling to wound, and the support which I must give to the principle of this bill will affect the interest of many individuals whom I should be loath to injure. I trust that every care will be taken in the progress of the bill to avert or mitigate such apprehended injuries; but I know that my duty here is to consult for the benefit of the public, with due care indeed to deal justly by individual claims for compensation, but not with paramount regard for private interest. I have intimated that it would be especially painful to me to disclose the evils of a system against which it might seem invidious that I should bear testimony inasmuch as they are "*Quæque ipse miserrima vidi. Et quorum pars magna fui.*" Yet had it been consistent with my conscience, and my duty as a Member of Parliament to attempt to dissemble on this subject with the House, it would have been impossible, for I was examined on oath before the Ecclesiastical Commission, and I was afterwards a witness before the committee of this House in 1833. In giving my testimony on the present occasion, I have at least one satisfaction, namely, that I am exempt from any personal interest in the conclusion at which I shall arrive. My interest is indeed rather against that conclusion. I have discharged the duties of my office, which is a patent office for upwards of twenty-three years. All the measures which have been framed or proposed in respect to the modification or extinction of that office have provided full compensation on my behalf, as is the invariable practice of Parliament in relation to such vested interests. Nevertheless the present bill would deprive me of a large amount of patronage, which has furnished me opportunities of conferring essential favours upon many of the clergy. It is true that I have made a point of selecting for the office of Surrogate those among them who were best calculated by their locality and personal fitness to serve the public usefully. Yet I shall feel much regret at the loss of the gratification afforded me in those appointments, and if this measure shall deprive those surrogates of the emoluments which they now derive from that source, they will have my sincere sympathy. I have made these remarks on the point of personal interest, because the Member for Winchester has thrown out some intimations, that motives of a pecuniary nature may influence the supporters of this bill. After the clear statement made on this head by my right hon. Friend the Judge Advocate, when he brought in the bill, in the judgment of every one who recollects it, such shafts will fall pointless when levelled against him. The bill proposes a less salary for the judge of the Court of York than that which I now enjoy. I was not consulted in the framing of the bill, or of fixing that salary, perhaps I should have suggested a smaller amount as adequate to the future duties proposed to be allotted to that functionary, but personally, as I have intimated already, I should be satisfied with such compensation, as may in accordance with custom in such cases be allotted to me by Parliament, although it is inevitable that by any such change I must suffer some pecuniary loss. I will now address myself to the question which was propounded on a former evening by my hon. Friend the Member for the University of Oxford, where are the grievances, or who the complainants against the present system of Ecclesiastical tribunals? My reply is to show him this ponderous volume, the report of the commission. He only received it on the day on which he asked that question, he has now had a fortnight of leisure to digest its contents, and he must have seen the concurring testimony of that host of witnesses to the manifold uncertainties, vexations and mischiefs under which the public labours from the defective condition of those tribunals. He says that there are 9,000 petitioners against the bill, that the same influential parties who have procured those signatures had an equal interest in bringing forward those who within their own knowledge are aggrieved by the present state of the law, they would have soon amounted not to 9,000 only, but to 999,000. Let us examine some of the grievances explained to the commissioners, not by interested witnesses, but by provincial judges and archdeacons and registrars and solicitors; in short by the very class to whom the Members for the University of Oxford, for Lincoln and for Chester, now bid us listen with favour. Look at the testimony of Mr. Chancellor Martin, of whom the hon. Member for Winchester speaks in terms of eulogium which I gladly echo; I must, however, be permitted to say in passing that he is not entitled to vouch his evidence so absolutely on behalf of his opposition to this bill; because I have talked with him on the subject since he has seen this bill, and he informed me that subsequent experience had considerably modified the opinions which he expressed before the commission, and I did understand him to be not unfavourable to the general principle of this bill. I select the diocese of Exeter for the attention of the House, because both the magnitude of the jurisdiction and the ability brought to the conduct of it by Mr. Martin, render it confessedly one of the least exceptionable of the diocesan tribunals. Look at the two first pages of his evidence. I will not weary the House by reading even extracts from it, but it will be seen that in that diocese there are thirty-six parishes called bishops peculiars, which have the singular peculiarity of being exempt from the jurisdiction not only of the archdeacon, but of the Bishop himself. Then there are as many more peculiars of the dean and prebendaries, or of the archdeacon. These are scattered in different parts of Devonshire and Cornwall. No certainty exists as to the conflicting rights of jurisdiction in these districts. The Bishop, the Chancellor, the Dean and the other subordinate ecclesiastical functionaries had attempted about two centuries ago to settle by agreement the limits of their respective rights, but lately a cause which had been commenced in one of these minor courts came up by final appeal to the Court of Arches, and there it was pronounced that all which had been done was invalid, the agreement was treated as without authority, and the limits of those jurisdictions remain undefined and undefineable. This is only a specimen of the uncertainty, which prevails throughout the kingdom, and it is not a grievance confined to the few cases in which all the expense of a suit may have been incurred in vain owing to confusion of jurisdictions, because there are many more cases in which justice is practically denied to suitors from ignorance how they can effectually proceed, and others in which parties avail themselves of flaws in probates, or in processes to set up dishonest defence. I have yesterday been deciding some cases in my court at York which may furnish some illustration of the evil to which parties are exposed by the multifarious complexity of existing jurisdictions. I reversed a sentence of the Court of Chester which had pronounced a will invalid, I may have decided right, or I may have decided wrong, but in either case it has been a grievance to the parties that they have necessarily incurred the double expense of the trial at Chester, and at York before they can obtain the opinion of the final Court of Appeal in London, but whether my judgment were right on the main question or not, I am certain that the proceedings resorted to by the practitioners in the Court of Chester in this cause were most irregular and reprehensible, and such as would never occur in a tribunal sufficiently conversant with its business. I have had reason to complain not so much of the decisions of the Judge of the inferior courts which have come before me on appeal as of the great irregularity and ignorance of legal principles manifested by those who conduct the cases in their progressive steps. There are at York regular advocates and a competent number of regularly trained proctors, and I have every reason to speak with kindness and gratitude of their integrity and merit, but it is usual elsewhere to transact the business through the medium of attornies, who have rarely occasion to practise in that line, and who have no chance of conducting the processes with tolerable correctness, except by deriving their direction at every step from communication with Doctors' Commons. Now when causes thus irregularly started arrive at the stage of sentence, the dilemma often occurs to me of having to decide against strict law, or against justice. Were my judgments recorded by reporters in books which might eventually be quoted as precedents, I should feel much embarrassment, least by overlooking grave errors in form I should encourage future laxity of practice, but filling perhaps rather the position of an arbitrator, or of an equitable judge, I have succeeded generally, I hope, in discharging my functions for the true advantage and in vindication of the real rights of the parties, better thus than by a more pedantic adherence to rigid rules; and I have been greatly aided in this course by the kind confidence of the practitioners of my court; but this is an unfit state of law, and involves much pain and sense of personal responsibility to the judge, and inevitable uncertainty to the suitors. In another case which came before me yesterday, the claimant of a legacy had, after much dilatory manœuvring on the part of his opponent brought the process to the point of sentence, when the advocate started an objection that I was without jurisdiction, because the testator had chanced to die in a parish in Yorkshire, which was a peculiar of one of the prebendaries of York. As I possess a provincial jurisdiction, I overruled the objection, but if the case had occurred in any other diocese in the kingdom the objection would have been fatal. When a suit must commence in one of the inferior courts, it may be carried through four tribunals before it reaches its conclusion; this is a cruel hardship on the husband in matrimonial causes, for all the expence on both sides is cast on him, and as the wife is also entitled to alimony pending the proceedings, every delay is often interposed in all those stages, for which the dilatory nature of ecclesiastical jurisprudence offers too much facility. I find another complaint made by Archdeacon Goddard in respect to the improper faculties which have been granted in the diocese of Lincoln, when asked whether that was not subject to the control of the judge or Chancellor, he replies, Yes, but where are we to find the Judge or Chancellor? I believe that in this matter, as well as in many other abuses pointed out by the report of the Commissioners, much improvement has since been introduced. The Registry at York was justly animadverted on. The hon. Member for the University of Oxford would not join the hon. Member for Lincoln in his attack thereon; because it was consecrated in his eyes by its venerable antiquity and its unchanged character from the period of its first establishment. I have no control over it, but my brother who is the registrar, has incurred considerable expence in providing a new building for the purpose in concert with the Dean and Chapter. I may, however, remark in reference to the alarm expressed by some members of the risk of fire from one Metropolitan Registry of Wills, that twice has that new Register office at York been exposed to imminent danger in consequence of the conflagration of the noble minster under whose shadow it reposes. But it is a great evil that in this and in numerous other cases there is no official building appertaining to the office —the registrar finds such accommodation for these important documents as he may be able or willing to provide, and his successor may adopt the same or a different receptacle at his pleasure. Many of the peculiars have no other repository for their wills than the private houses of the different proctors who may chance to hold the office of registrar for those documents. Hence arises another evil to the public in the increased difficulty, uncertainty and expence in making searches for wills. The nuisance springing from the law as to *Bona Notabilia* will be effectually cured by this bill. That law requires as many probates to be obtained as there are jurisdictions in which property belonging to the deceased was left. The result of this law, and of the regulations adopted by the Court of Chancery and the Bank, is that in the majority of cases when the property exceeds 300*l.*, parties have to pay double the amount of fees and charges on probate, and administration beyond the amount really necessary. Moreover, they are liable to find that they have obtained documents merely void from inferior or Diocesan Courts, when a subsequent discovery of a debt due to the deceased in some other diocese shows that the jurisdiction of the superior or Provincial Court should have been resorted to. I must add, though with some pain, that I can confirm by my own experience the evidence of the solicitor to the Stamp office respecting the danger of entrusting these probates to so many functionaries in the country who are not always trustworthy, many have been suppressed for the sake of embezzling the stamps. As to the expence to parties of obtaining probates in common form, there is now such facility of access to the metropolis by the post that I do not see any reason why the expence should be greater than in the provinces. The oath of the executor would equally be taken at his own home under commission sent down to him, or through a Surrogate. The regulated fees of Doctors' Commons do not exceed the average of those of the Diocesan Courts. They are less than those of Chester for the registration of the Will, and the only reason why at Lincoln they can boast of lower charges is that there the public does not enjoy the advantage of having the will registered at all, but I admit that there has grown up a practice at Doctors Commons which has no legal sanction, namely, to charge a per centage on the stamp duty, and this even when the party has advanced to his proctor the amount of that stamp duty. It will be our duty, when we go into committee to reform this abuse, and to make such regulations as may secure the public against undue charges. It is fit, however, that those who live in glass houses should not throw stones. There have been arbitrary charges introduced in the courts of Chester, and Lincoln, and others who are loud in their outcry against Doctors' Commons. One circumstance in this debate has greatly astonished me. No gentleman seems to be aware of the existence of that act which invested with almost unlimited powers over these jurisdictions a small body of men termed the Ecclesiastical Commissioners. My hon. Friend has sounded forth a pitiful wailing about the extinction of the peculiars by this bill, and he seems to be in happy ignorance, that by the edict of those commissioners from their chambers in Whitehall-place, they may effect more than this House, or the other House of Parliament, for their fiat becomes *ipso facto* law, subject only to the formal sanction of the privy council; nor is this an empty authority, they have already executed it to a large extent, they have abolished all the peculiars in the county of Notts, which were multifarious. They have transferred and abolished jurisdictions of archbishops, bishops, archdeacons and every subordinate functionary. If matters stood now on the footing on which they were in the year 1830, I might have been influenced by personal motives and the prejudices of caste, if I may use the phrase, to concur with my hon. Friend in leaving so complicated a machinery untouched, but all the evils which I have described would be greatly aggravated;

were those charges made by the commissioners to come into operation. They have been hitherto suspended by the annual bill which has passed in contemplation of this measure. Indeed, I do not believe that the commissioners would have issued some of these orders, had they not counted on the separation of secular from spiritual jurisdictions, knowing as they did that this measure had been recommended by the highest authorities to whom it was possible to resort for counsel on the subject. But so it is, that if you refuse to entertain this measure of reform, the greatest addition of grievance impends over the northern counties, and would, unless averted by the government, come into operation on the 1st of October. The manufacturing districts have found the present system less practically grievous and vexatious, because they have been included in the two largest and most effective among the country jurisdictions, namely York and Chester. But when the jurisdiction of York is stripped of the West Riding and the county of Notts, and when the court of Chester is diminished by the transfer of Lancashire to a new court at Manchester, the law of *Bona Notabilia* will become as burthensome, and as much a snare to them as elsewhere; and the courts of Chester, Manchester, Ripon, York, and Lincoln, will be reduced to such trifling dimensions as to business and practice, as to offer no prospect of competent judges or practitioners. I may add that the inconvenience would be great of sending parties from the manufacturing towns in the West Riding to transact their business at Ripon, which is a town peculiarly inaccessible to them, and where there is now no court nor the materials for composing one. York is the assize town, and draws parties to it on other business; it is the focus of several railroads, and it is always easy in the hearing of causes there to obtain the aid of superior counsel, who have frequently pleaded before me. I must advert to one other subject, which has been brought before the House by a petition from Manchester. I have reason to believe that it would give much satisfaction in a great proportion of the northern counties, if this bill were so altered as to establish a court for the province of York, co-ordinate with that proposed to be placed in London. This would not be at variance with the report of the ecclesiastical commission. I will not say that I would advise the public that this course would be for their benefit, but if it is their wish, I can only say for myself and the other officers of that court that we should be willing to undertake those increased duties without any increase of our present emoluments. I would even prefer an increased amount of business; because I should feel the probability that the business would be conducted with more skill from increased practice. The existing emoluments would be competent for the remuneration of the officers of the court under any augmentation of those duties. I think that a register of all wills should be provided for every diocesan city from the central registry at Doctors' Commons. I will conclude by expressing my earnest hope that this House will not be so tender of private interests as to forget the great benefit which they have now the opportunity, and therefore the duty of conferring on the public. If they throw this bill to the winds, they will even aggravate existing evils, while if they go into committee they may remedy any defects of detail in its provisions, and they will affirm a principle which involves essential advantages to their constituents.

Mr. *T. Duncombe* believed, that of all the courts instituted by ecclesiastical authority, there were none which gave greater dissatisfaction to the public than those over which the hon. and learned Gentleman who had just spoken, presided. The public had a right to expect that judges presiding in courts which decided questions affecting property of great value should be occasionally right, and that they should not get up in that House as Members for East Retford, or some such place, returned by some noble Duke, perhaps, or some other Member of the upper House, and say, to be sure, I may have decided right, or I may have decided wrong. This was a specimen of the judges of the ecclesiastical courts. He must join in what the Chancellor of the diocese of York was pleased to call the pitiful outcry of the hon. Member of the University of Oxford against this bill, although upon different grounds, for his reasons were in accordance with the views which the great body of the people out of the House entertained regarding this measure. The hon. Member said, that ninety-seven petitions, signed by 10,820 individuals, had been presented against this bill; and that no petition had been presented in favour of the bill up to the present time. He did not know whether the hon. Member attached great weight to petitions in determining the course he should take; but if they were to have anything to do with the decision of this question, a bill ought to be brought in for the entire abolition of the ecclesiastical courts. What the public required was, that ecclesiastical courts should be abolished, and their jurisdiction transferred to the courts of common law. It was on that principle he should vote against this bill. In 1840 he found that there were 709 petitions presented, with 80,000 signatures, praying for the abolition of church-rates and ecclesiastical courts, and for the release of John Thorogood. These petitions did not ask for any bolstering up of the existing rotten system; they required that the whole of the ecclesiastical courts should be swept away. In 1841 the number of petitions increased to 974, and the signatures were 170,020, all asking for the extinction of the ecclesiastical courts. If the hon. Member laid any stress upon petitions, he ought to vote for the entire abolition of the ecclesiastical courts, a measure which common sense and common justice, no less than the public voice, demanded. That was the principle on which he opposed this bill, which, although it certainly would abolish a great number of those nuisances, the minor courts, yet created a monster nuisance in the court to be established in the metropolis. The judge who was to preside in that court was to have a salary of 4,500*l.* a-year, and after fifteen years' service he might retire on a pension of 2,250*l.* The present title of Dean of the Arches was to be retained, thus perpetuating an ecclesiastical distinction offensive to the dissenters. The hon. and gallant Member for Lincoln (Colonel Sibthorp) had called this bill a Doctors' Commons' job. That was an epithet which, he was sure, would not have proceeded from that (the opposition) side of the House. He was far from saying the hon. Member was wrong in his designation, but it was not very courteous language. The Chancellor of the Diocese of York might, perhaps, be the Dean of the Arches, and if the choice of the Crown was to be restricted to those courts, no man could be better qualified; but he objected that the prerogative of the Crown should be so restricted. He understood that one of the chief qualifications of the Dean of Arches whose name by the by he must object to as offensive to dissenters was, that he should be an individual who had swallowed the whole of the thirty-nine articles, although there were, he believed, at present a great number of the clergy who, though they had subscribed those articles, would be very glad to be relieved from them. It was said that this was to be a civil court hereafter, and when the judge should have subscribed the thirty-nine articles; but it was monstrous to suppose that it would be anything else than that which had been pronounced in former times, by men quite as great and as learned with respect to ecclesiastical courts and their effects as the chancellor of the diocese of York, he meant such men as Lords Hale and Coke, to be contrary to the constitutional liberty of the subject. The public were well aware that this bill did not half come up to the recommendations of the ecclesiastical commissioners. They recommended that if a new court were established, proceedings before it should be by way of trial by jury, with *vivâ voce* evidence. By this bill, the judge had certainly the power of referring the case to a jury, if he thought proper, but neither plaintiff nor defendant had that power. He had already referred to the choice of judges, which was to be from advocates of the court of ten years' standing. On what principle could the right hon. Baronet at the head of the Government justify the restriction of the prerogative of the Crown in this manner? Why were not the public to have the advantage of the whole bar, to be selected from in the appointment of the judges? Why were they perforce to go among the mists and mildews of Doctors' Commons? The language of repeated petitions against these courts had been, that they were a reproach to a free people, and a disgrace to those individuals who administered the orders of those courts. It seemed that the new courts were not to take cognizance of church-rates, of defamation, of smiting, or brawling in churches and churchyards, and many other subjects which were under the cognizance, and were to remain under the cognizance, of the bishops' courts. As an instance of the injustice often done in such cases by the ecclesiastical courts, he would cite the case of Mr. Apsley Pellatt, where certain persons having a dispute in a public house with the clergyman of the parish, the latter took advantage of the circumstance that the public house abutted on the churchyard, to summon his antagonists on a charge of brawling in a churchyard, before an ecclesiastical court, by which they were cast in heavy costs. Was the power of inflicting such injustice as this to remain in these ecclesiastical courts? Again, according to the statute law, any person smiting in a churchyard, might, on being brought before an ecclesiastical court, be condemned to lose his ear, if he had one, or in default of ears be branded on the forehead with the letter F. The hon. Baronet the Member for Oxford University said as a reason for continuing these courts that they were coeval with the conquest. He might, however, have gone further back. He (Mr. Duncombe) believed they were of Saxon origin, that they belonged to a period when Bishops, Peers, and Commoners sat in them, and dispensed justice to those who came before them; but according to Mr. Burn's *Ecclesiastical Law*, William 1st came over with the Pope's banner in his hand, and under it won a battle. It therefore appeared to him most extraordinary, that gentlemen of high-flown church principles should be the persons to claim support for these ecclesiastical courts, these courts of papal origin, on the ground that they were coeval with the conquest. The only way he could reconcile it was, that there were attached to these courts very considerable emoluments. He thanked the Government for introducing this measure, and for thereby having called public attention to these nuisances. The public had long demanded the removal of these powers to the common law courts. The Dissenters told them to do what they liked with their own clergy, to enforce what discipline they pleased respecting themselves, just as the army and navy did by their courts-martial, but not to interfere with the civil rights of the subject. He also felt indebted to the Government for introducing the Factory Education Bill. That, too, had raised the sleeping lion. The whole Dissenting interest was in arms against it. He believed that no one in that House imagined when that bill was introduced, that the Dissenters were so strong a body as they had shown themselves by their petitions to be. Had they not all presented petitions on that subject? [" Question."] That was his question. He had attended meetings for the purpose of petitioning that House on the subject of the Factory Bill; and at those meetings, where the sleeping lion was roused, it was observed, " We must not separate, for we find that there is before the House of Commons another obnoxious bill, the Ecclesiastical Courts Bill, the principles of which are equally injurious to liberty." He represented a borough where there was a large proportion of Dissenters, and they were all opposed to the present bill; and it was the opinion of his constituents, that if the ecclesiastical courts were left alone they would die of their own iniquity. Though it was a *primâ facie* evidence in favour of the bill that the hon. Baronet the Member for the University of Oxford was opposed to it, yet his constituents begged of their representatives to vote against the bill.

Sir *R. Peel*: I scarcely recollect a bill which has had the misfortune, like the present bill, to meet with vehement opposition from Gentlemen who maintain such extremely discordant opinions; for the hon. Gentleman who has just sat down means to vote with the hon. Member for the University of Oxford in opposition to the bill, not only on different, but on precisely contrary grounds. It therefore becomes necessary for the supporters of the bill to address themselves to two classes of objections; and I venture to express the hope which I confidently feel, that the great majority of this House will consider whether this bill do not effect a great improvement in the law, or at least whether it do not give the opportunity of effecting improvement? and will not permit a union of men with discordant and contrary opinions to close the door against the possibility of improving the present system. What are the arguments of the hon. Gentleman who spoke last? He says, " Keep all these abuses; preserve them as you find them in existence, effect no reform on this account, because I entertain a confident opinion, that if you permit these peculiars and diocesan courts to remain with their powers intact, they will, at length, die from (as the hon. Gentleman says) their own iniquity." Why, they have survived a pretty long time. So long ago as the period of the Reformation—in the reign of Henry 8th—there was an attempt to reform these jurisdictions. In that reign there was a distinct recommendation to abolish these small local jurisdictions; in the reign of Elizabeth that recommendation was repeated; and in 1812 no incompetent judge —a man, indeed, of the highest authority, the representative of the University of Oxford (Lord Stowell), brought a bill in, which then passed the House of Commons, to abolish altogether these peculiar jurisdictions; and now, in 1843, having had a clear proof that all these iniquities (as the hon. Gentleman calls them) have contrived to endure 300 years, because men would not be satisfied with a moderate reform, the hon. Gentleman says, "Preserve all these jurisdictions, and take the chance of their expiring from their own iniquity." Some of the objections of the hon. Gentleman, I confess, greatly surprise me. The hon. Gentleman referred to what he began by calling Canon Law, the 5th and 6th Edward 1st, which, however, he afterwards more correctly called Statute Law, "See what is the enactment under the present system. By the 5th and 6th of Edward 6th, if a man be guilty of striking in a churchyard or of brawling, he is liable to lose his ear, if he is fortunate enough to possess one." The hon. Gentleman dwelt on this point with seeming apprehension as to what may be his own fate. "See (said the hon. Gentleman) the punishment inflicted on brawling; I should be subject to the penalty of losing one ear, because I have two; but if I had not an ear, then I should be branded on the forehead with the letter F." But if the hon. Gentleman acquiesce in this bill, he will be for the first time, relieved from his apprehensions; because it is distinctly provided by the 86th clause, that the act of the 5th and 6th Edward 6th shall be repealed, except as to proceedings already commenced under it. This, then, is the advice which the hon. Gentleman gives to the House of Commons—"The greatest apprehensions are to be entertained with regard to this statute of the 5th and 6th Edward 1st, but I advise you to continue it in operation, and not to repeal it now, in order that some time hence popular indignation may cause it to be repealed." With respect to many minor points to which the hon. Gentleman has referred, they are matters for consideration in committee; such as, for instance, the amount of the judge's salary and retiring allowance. No one who votes for the second reading of the bill will be committed with respect to these points, and to other details of importance, as, for instance, whether the court should be exclusive or open to all practitioners. Hon. Gentlemen, though they vote for the second reading, can still reserve to themselves the right of considering whether they will agree with my learned Friend (Dr. Nicholls) or with Dr. Lushington, who maintains that it is desirable to have a peculiar jurisdiction, and yet to leave the court open to all practitioners generally; and it will be competent for the hon. Gentleman himself, who thinks that the Dean of the Arches ought not to be exclusively selected from among those gentlemen practising in the civil courts, to propose in committee that the restriction on the Prerogative of the Crown should be removed, and that the Dean of the Arches may be chosen from the professors of every department of law. Let not these objections be relied on as arguments against the second reading of the bill; and I do not think that the House of Commons will on their account reject a bill brought forward by her Majesty's Government to apply a remedy to a great and an admitted evil. What else induces us to undertake the task of proposing this measure except the conscientious conviction that there exists great grievances: and that the present bill if not a complete remedy for them, is at all events a remedy for a considerable number of the evils of the present system. My hon. Friend the Member for Winchester significantly said, and said with truth, "If you proceed with this bill there are many powerful parties who will remember it in the day of trial." This observation is perfectly true; and we have not now heard it for the first time. Do we not know how powerful and wide-spread are the interests connected with these courts? It is our wish, however, in effecting the reform of a great public abuse, that individuals should not suffer by the application of the remedy; but what my hon. Friend the Member for Winchester says is perfectly true, and no executive Government can undertake the reform of a legal abuse, without for a time forfeiting some part of their hold, I will not say on public opinion but of valuable support. We know that we are exposing ourselves to that danger, but we did think it our duty, looking at what has passed—looking at the recommendations on the subject which for so many years have proceeded from the highest authorities, we did feel it to be our duty to ask the House of Commons to consent to our making an attempt at reformation; and we did not try to purchase a continuance of that support by shrinking from the discharge of what we considered our duty, and now it is for the House of Commons to determine whether they will strangle this attempt at reform in its very birth. You may think that this bill does not go far enough—try to carry it farther; it is open to you to do so in committee; and this will be a dishonest opposition if while you are really consulting some local interests, you pretend that it is the partiality of the reform on which you ground your objection. What is the case? At present it appears there are nearly 400 courts exercising ecclesiastical jurisdiction, that is to say, there are not less than 372 courts of peculiars. And what is a peculiar. It is a court sometimes extending its jurisdiction over a parish, sometimes over a large district, sometimes with its jurisdiction unknown, and it has been justly described by my learned Friend (the Attorney-general) as a trap for her Majesty's subjects. A person applies to a superior court for a probate, and he has no security that one of these local judges may not revive the jurisdiction of his court and claim the right to issue probate, even although his court has been in desuetude for forty or fifty years; and then the hon. Member for Finsbury charged my hon. and learned Friend who gave such disinterested testimony—I mean the hon. Member for East Retford (Mr. G. Vernon)—with the statement, that in order to do justice the law must be violated. Is this the first time that the hon. Member for Finsbury has heard such an avowal with respect to these inferior courts? I will read to the hon. Member a series of decisions—from the highest authority—the judge administering justice in the Court of Appeal, stating the same fact as that put forward by my hon. Friend. I will fortify the authority of my hon. Friend, though it is perhaps superfluous. In the case of "Burnell *v.* Jenkins," which was an appeal from the Consistory Court of the diocese of Llandaff, what said the judge of the Arches Court? He said,

> "The case comes on here on the same evidence as in the court below. There have certainly been irregularities in the proceedings of the inferior court; but it has always been laid down by my predecessors that this court should endeavour in the best way it could to get at the substantial justice of the case, and not allow either party to be injured by the irregularities of the inferior jurisdiction."

So that, unless the judge of appeal overlooked the irregularities of the court below, he had no chance of doing substantial justice. Was this a state of things which ought to be allowed longer to exist —is this the way to secure a respect for the law? Again, in the case of "Morgan *v.* Hopkins," which occurred two years after that which I have already mentioned, the judge of appeal said,

> "In considering the proceedings of the inferior jurisdictions, this court endeavours to look to the justice of the case, and is not strict as to the proceedings; but there are some irregularities, such as appear in this case, which the court cannot overlook. Irregularities exist in many of the inferior courts, but they are conspicuous in the court from which this appeal is brought; there the proceedings are not carried on upon the same principles which guide us in Doctors' Commons. The error is, they have mistaken the answers for the plea, and examined upon them; great confusion of ecclesiastical proceedings in the country arises from solicitors acting as proctors, and knowing nothing of ecclesiastical law; when they come before the superior court, they must be set right and not allowed to proceed."

So again, three years afterwards, in the case "Lee and Parker *v.* Chalcraft," an appeal from the Consistory Court of Winchester, the judge said,

> "With respect to the other preliminary objection, it is the rule of the court, in all appeals from the country jurisdictions, to endeavour to get at the substantial justice of the case, at least in all questions which regard a civil right; in criminal cases it may be otherwise. If we were not to admit the irregularities which take place in the courts below, the plaintiff could hardly ever succeed in obtaining justice before this tribunal."

Now there are, I repeat nearly 400 of these courts delivering adverse and conflicting decisions on matters relating to property, and the judge of appeal year after year declaring, that however irregular the proceedings might have been in the courts below, unless he overlooked those irregularities, the ends of justice would be completely defeated. Why, hon. Members opposite did not seem to know the number of those inferior jurisdictions. The ecclesiastical commissioners reported them as being in number about 300, but in the next report the number was brought up to nearer 400 than 300. And who are the judges of those courts? I will take the first diocese in alphabetical order, that of Bath and Wells. In that diocese there are sixteen courts of peculiars connected with each prebend. Each of those prebends had a regular court of its own, and here is a return of the annual emoluments of the judges and registrars of the archidiaconal courts in the diocese, with the number of causes brought before them, and the number of probates and administrations granted. The sixteen prebendaries, each with a court employing sixteen judges and as many registrars, with jurisdictions unknown—with the population of the original jurisdiction in many instances doubled, had in three years heard five causes, and granted thirty probates, and ten administrations. And what were the salaries of the judges of these courts? Why the whole sum received by these sixteen judges in the three years was 10*l.* 19*s.* 3*d.* The powers of these courts led to very vexatious applications. I will take the law as regards *bona notabilia*, where there is a necessity for applying to three jurisdictions, one of them being a Royal Peculiar. You have first to go to the Prerogative Court of Canterbury, then to that of York, and finally to the Royal Peculiar Court, before you can inherit your property. Now I ask, is this a state in which we should leave the law? Remember also that the officers connected with these courts concur without any assignable motive beyond their experience of the administration of the law, in advising the annihilation of the peculiar and the reform of the diocesan jurisdictions. That advice has been given by Sir William Alexander, Sir Nicholas Tindal, Lord Tenterden, Lord Wynford, Dr. Lushington, Mr. Freshfield, formerly a Member of this House, and by Dr. William Addams. Was it likely that these men—men not likely to lend themselves to innovations, should have come to the same conclusion with respect to those institutions, unless they had the strongest proof that there was a grievance in them? Then, again, the Archbishop of Canterbury, the Bishop of London, the Bishop of Durham, and three other bishops, whose feelings and prejudices might be supposed to be in favour of the maintenance of the diocesan courts, concurred also in advising that the jurisdiction of the peculiars should be abolished, and the testamentary jurisdiction transferred from their own courts to one supreme authority with known and fixed principles of law with respect to bequests. Well, then, will the House, having the authority of six bishops and ten judges for a reform of the Ecclesiastical Courts, reject the bill on its second reading, and thus refuse even to consider in detail the plan of reform brought forward by the Government? If the House do so, let it cease to taunt the Government with being reluctant to reform, while it exhibits this proof that reform is good to talk of at a distance, that you will use it to taunt the Government with an adherence to abuses, and when the Government came forward with a measure of reform, supported by the high authorities I have mentioned, which is the reflex, too, of public opinion, you will, when they propose a timely reform, make them pay the penalty of the discredit of being left in a minority by the Representatives of the people of England? I never can believe that the House of Commons will adopt that course. If you go into committee with this bill, wishing to carry its provisions still further—do so and propose your amendments; but will any man, professing a conscientious adherence to reform, vote against the second reading of the bill because it does not go as far as he wishes? With respect to the offence of defamation, it is a mistake to suppose the bill retains the jurisdiction of the Ecclesiastical Courts, and yet that has been urged as a reason for rejecting this bill. I do not profess to have that professional knowledge which would enable me fully to discuss the details of the measure, but I thought it right thus to declare the object and views of the Government in proposing it. That commission, from which the proposition originates, was advised by me at a period when the subject of legal reform was fully occupying the public mind. I had myself employed many years in endeavouring to improve and consolidate the criminal law of the country, and when I saw the strong feeling which existed in favour of legal reform, I was, too, one of the first to urge that the abuses in the Ecclesiastical Court should not escape. I advised the appointment of the commission, as I wished that any reforms which should take place might be carried through in conformity with the suggestions and concurrence of those whose high station and high character would entitle their opinions to the respect both of the Church and the public. Twelve years have elapsed since that period, and nothing has been done, though successive Governments have attempted to give effect to the recommendation of the commissioners; but certain influences, whether of reason or justice, or a less creditable character, have prevented them from effecting the object. It is not my intention to impute bad motives to any individual, but whatever be the ultimate fate of this bill, I can never bring myself to believe that this House will negative on a second reading the consideration of a subject to which the Government has paid much attention, and it is my impression that this is a most appropriate period for undertaking the reform of the Ecclesiastical Courts without the danger of disturbing the public mind, or exciting the hostility of existing interests. So help me God, I for my own part am influenced in my course by no sinister, corrupt, or dishonest motives. The measure is one which involves no patronage. On the contrary, great sinecures now existing are proposed to be for ever terminated. For the first time a great saving in these courts is proposed to be effected. Resist the measure if you will, but if you do, you cannot taunt the Government with not having exhibited a strong sense of what is due to the interests and the sound opinions of the country. The right hon. Baronet concluded amidst loud cheers.

Mr. *Labouchere* rose amidst loud cries for a division, which were frequently repeated. He said, that having been some years ago chairman of a committee which had examined into this subject, he could not feel that he should perform his duty in giving a silent vote. He would give his cordial support to the second reading of the bill. The principle upon which it was founded had been too long neglected, and it was the sacred duty of the House to endeavour to reform the errors of the ecclesiastical jurisdiction. Of all the abuses in our courts those in the ecclesiastical jurisdiction were the most flagrant and the most aggravated. Indeed, they had not been denied by any of the hon. Members who took a share in the discussion. He, however, considered the proposition of his right hon. Friend the Member for Devonport a good one, as he was of opinion that the errors of the present system could be best considered by a select committee, which could also deliberate more calmly on the necessary reforms. There were no reforms more difficult than those which affected local and professional interests, and this was found to be the case by Cromwell when he attempted to reform the abuses in Chancery and failed after all his efforts. When writing upon the subject to his son Ireton his expression was, "The sons of Zeruiah have proved too strong for me."

Mr. *Hume*, amidst loud calls for a division, said he would support the bill, and on the same grounds on which it was opposed by his hon. Friend the Member for Finsbury. His hon. Friend opposed it, not because it was not good, but because it did not go far enough, but he would accept the benefit as far as it went. He was himself anxious for the abolition of all ecclesiastical law, for he did not see why they should not do in this country what had been done in Scotland. Fourteen years ago in that country the consistorial courts were abolished, and they had adjudicated on cases brought under the civil law with the utmost success. One of the first questions put to the right hon. Baronet on his taking office was, "Do you propose to do anything with respect to the ecclesiastical law, for we have left a bill behind us upon the subject?" Under such circumstances, he did not conceive that any of those persons could with consistency oppose the second reading of this bill.

Captain *Gladstone*, amidst loud calls for a division, wished to say a few words in explanation of his vote. He would not, in its present stage, undertake the responsibility of voting against the measure; but if his present objections to it were not removed when it went into committee, he must then vote against it.

Sir *H. W. Barron* had presided over a committee which had sat for three months on the subject of Irish ecclesiastical courts, in which the abuses existed in a treble degree to what they did here, and knowing the extent of the abuses in these courts, the bill should have his cordial and warm support, inasmuch as it remedied some of, though not all, the abuses. But why was not Ireland included in the bill, and why were not the evils and abuses in the ecclesiastical courts of Ireland also sought to be remedied? If the House wished to do justice to Ireland and put an end to the arguments which were now urging there in favour of a local Legislature, they would put down the abuses of the ecclesiastical courts in that country, and if this bill were agreed to, he trusted the Government would next Session bring forward a similar measure for Ireland, in pursuance of the recommendations of the commission on the subject which had been appointed by the right hon. Baronet, when Chief Secretary for Ireland.

Mr. *Roebuck* said, that after the extremely forcible and ingenious speech of the right hon. Baronet, he thought it necessary to explain the ground on which he should vote for the second reading of the bill. The right hon. Baronet had dwelt on the grievances the bill was intended to remedy, and accurately explained them, and in that he quite agreed with the right hon. Baronet, and he supported the bill so far as it pulled down, but he totally disagreed with it as far as it attempted to build up. In the committee he should endeavour to reform the measure in this respect, and if it did not come out of committee a totally different measure he should think the House right in rejecting it altogether.

The House divided on the question that the word "now" stand part of the question. Ayes 186; Noes 104: Majority 82.

List of the AYES.

Acton, Col.
Ainsworth, P.
Aldam, W.
Antrobus, E.
Arbuthnot, hon. H.
Archdall, Capt. M.
Baillie, Col.
Baillie, H. J.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Visct.
Barron, Sir H. W.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buller, E.
Burrell, Sir C. M.
Busfeild, W.
Campbell, Sir H.
Campbell, A.
Cardwell, E.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Charteris, hon. F.
Chelsea, Visct.
Christie, W. D.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Collett, J.
Corry, right hon. H.
Craig, W. G.
Cripps, W.
Curteis, H. B.
Dalrymple, Capt.
Damer, hon. Col.
Darby, G.
Dennistoun, J.
Dick, Q.
Dodd, G.
Douglas, Sir C. E.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Dundas, D.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Ellice, E.
Elphinstone, H.
Evans, W.
Ewart, W.
Flower, Sir J.
Follett, Sir W. W.
Forester, hon. G. C. W.
Forster, M.
Fox, C. R.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gisborne, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Gray, right hon. Sir G.
Hamilton, W. J.
Hampden, R.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hatton, Capt. V.
Hawes, B.
Hayes, Sir E.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, G. W.
Howard, Lord
Hume, J.
Ingestre, Visct.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Kelburne, Visct.
Kelly, F. R.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lyall, G.
Maclean, D.
Martin, J.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Mildmay, H. St. John
Miles, P. W. S.
Miles, W.
Mitchell, T. A.
Muntz, G. F.
Neville, R.
Nicholl, rt. hon. J.
O'Brien, J.
O'Conor Don
Paget, Col.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Philips, G. R.
Plumptre, J. P.
Plumridge, Capt.
Pollock, Sir F.
Pringle, A.
Protheroe, E.
Reid, Sir J. R.
Rice, E. R.
Roebuck, J. A.
Round, J.
Rous, hon. Capt.
Russell, Lord J.
Rutherfurd, A.
Ryder, hon. G. D.
Sanderson, R.
Scholefield, J.
Smith, A.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thornely, T.
Tomline, G.
Trelawney, J. S.
Trench, Sir F. W.
Trotter, J.
Vane, Lord H.
Verner, Col.
Vernon, G. H.
Wall, C. B.
Wellesley, Lord C.
Wood, Col. T.
Wood, G. W.
Wortley, hon. J. S.
Wrightson, W. B.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Acland, T. D.
Adderley, C. B.
Aglionby, H. A.
Allix, J. P.
Bagot, hon. W.
Bailey, J. J.
Baskerville, T. B. M.
Bell, J.
Berkeley, hon. G. F.
Blackstone, W. S.

Broadley, H.
Brocklehurst, J.
Buck, L. W.
Buller, Sir J. Y.
Cayley, E. S.
Christopher, R. A.
Clive, Visct.
Cochrane, A.
Colborne, hn. W.N.R.
Collett, W. R.
Courtenay, Lord
Davies, D. A. S.
Dawnay, hon. W. H.
Dickinson, F. H.
Disraeli, B.
Douglas, Sir H.
Duncombe, T.
Duncombe, hon. O.
Dungannon, Visct.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Ebrington, Visct.
Egerton, Sir P.
Escott, B.
Farnham, E. B.
Fielden, W.
Fielden, J.
Fellowes, E.
Fitzroy, hon. H.
Gore, M.
Gore, hon. R.
Granger, T. C.
Greenall, P.
Grosvenor, Lord R.
Hale, R. B.
Hamilton, Lord C.
Hanmer, Sir J.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Heathcote, Sir W.
Heneage, E.
Henley, J. W.
Hill, Lord M.
Hillsborough, Earl of
Howard, hon. C. W. G.
Jolliffe, Sir W. G. H.
Knight, F. W.
Lawson, A.
Lygon, hon. Gen.
Mc. Geachy, F. A.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Marsland, H.
Mordaunt, Sir J.
Morris, D.
Murphy, F. S.
Newdigate, C. N.
O'Brien, A. S.
O'Brien, W. S.
Paget, Lord A.
Palmer, R.
Polhill, F.
Ponsonby, hn. C.F.A.
Ponsonby, hon. J. G.
Pulsford, R.
Repton, G. W. J.
Rushbrooke, Col.
Russell, J. D. W.
Sandon, Visct.
Scarlett, hon. R. C.
Sibthorp, Col.
Smythe, hon. G.
Stuart, H.
Strickland, Sir G.
Tancred, H. W.
Tollemache, J.
Trollope, Sir J.
Turner, E.
Turnor, C.
Vivian, hon. Capt.
Waddington, H. S.
Walker, R.
Watson, W. H.
Wilde, Sir T.
Wilshere, W.
Winnington, Sir T. E.
Wodehouse, E.
Wood, B
Worsley, Lord
Wyse, T.
Yorke, H. R.

TELLERS.
Inglis, Sir R. H.
Jervis, J.

The House adjourned at half-past twelve o'clock.

HOUSE OF LORDS,

Monday, May 1, 1843.

MINUTES.] BILLS. *Public.*—2ª· Registration of Voters.
3ª· and passed:—Schoolmasters Widow's Fund (Scotland).
Private.—1ª· Wilson's Estate; Gilbert's or Miller's Estate.
2ª· Kendall's Divorce.
Reported.—Balfour's Estate; Charlwood Inclosure; Birkenhead Cemetery.
3ª· and passed:—Manchester Corporation.

PETITIONS PRESENTED. By the Earl of Radnor, from Cork, for a Repeal of the Union.—From Andover, and Ellesmere, for Church Extension.—From a number of places, against any further Grant to Maynooth College; and for Inquiry into the course of Instruction pursued there.—From Elphin, against the Irish Poor-law.—From the Clergy of Norfolk, Talybolion, Heneglwys, and Fewalchinai, against the Union of the Sees of St. Asaph and Bangor.—From the Festiniog Union, against the Registration of Birth, etc. Act.—From Norwich, against the Bankruptcy Act.

REGISTRATION OF VOTERS.] Lord *Wharncliffe* rose, pursuant to notice, to move the second reading of a bill to amend the law for the registration of persons claiming to vote on the election of Members of Parliament. The noble Lord said, that representations having been made as to the inconvenient operation of the existing law, it had been found necessary to introduce the present measure which, it was hoped, would be found beneficial to all parties. The objects of the bill were, first, to establish in every part of the country a real and *bonâ fide* list of voters; secondly, to settle certain doubts with respect to qualifications which had arisen in the revising barristers' courts; and, thirdly, to prevent the personation of voters, or the possibility of individuals voting twice at the same election. One of the greatest alterations in the bill was that which related to the right of voting as it depended on the payment of taxes. As the law at present stood, a person could not have his name placed on the list of voters unless he had paid all his rates and taxes up to the time of making his claim. By this bill it was provided, that persons should be allowed to have their names inserted in the list of voters if they paid, on or before the 20th of July next ensuing after making their claim, all the poor-rates and assessed taxes payable from them for twelve calender months before the 6th day of the preceding April. A great objection to the existing law was, that the decisions of the revising barristers were final; but, by this measure, an appeal from their decisions, on legal points, was allowed to the Court of Common Pleas. Provision was also made to clear up doubtful points as to the right of voting in counties, and also with reference to the place where a claim to the right of voting should be made, when the party resided in an extra parochial district where there was no overseer. Another important point provided for by the present measure was that which related to votes on account of trusts on mortgage estates. It was now provided that no mortgagee of any lands or tenements should have a vote for Members of Parliament unless he was in the actual possession or receipt of the rents and profits of the lands or tenements mortgaged; but that the mortgagor in actual possession or in receipt of the rents and profits, should be allowed to vote in respect of the property notwithstanding the mortgage. Upon the details of the bill he would not trouble their Lordships with any observations, as they had already been so fully discussed elsewhere. He had, therefore, only to move that the bill be now read a second time.

Lord *Brougham* having stood by the noble Earl (Earl Grey) when he brought forward the great measure, the Reform Bill, and having assisted in carrying it through Parliament to the best of his humble abilities, felt himself justified, on the present occasion, in offering a few words to their Lordships. After eleven years experience of that most important measure, it was marvellous to find how few and trifling its defects were. Of the constructing or creating parts of the system established by that bill, that of registration was perhaps the most important. Without wishing to give rise to any controversy respecting the details of the present bill, which would be more properly discussed in committee, he was anxious to take this opportunity of making a few brief remarks upon the subject. The great evil of the present system was, that the voter, whose vote or title to vote it was necessary to examine calmly and without bias, did not care for his vote, and if left to himself would not go to register it. The consequence was that the candidate took that trouble for him. That candidate, therefore, who had the longest purse and the longest train of agents possessed an immeasurable advantage over any opponent who wanted the influence which that purse and agency bestowed. He who had the means of defraying the expenses of the registry and those other expenses connected with elections was sure to continue in Parliament, and this state of things he considered to be the result of annual registration. With the exception of the universities, every member of the House of Commons was put to an annual expense on account of this annual registration, which it was necessary to keep alive. Annual Parliaments was a subject of great alarm to many of their Lordships, as calculated to create an annual excitement in the country; but then annual Parliaments would be of some benefit to the people, by constituting a check upon their representatives; whereas by annual registration they had the agitation, and he maintained that the people did not gain one tittle of security. He therefore deplored the retention in this bill of the annual process of registration. If a man proved that he possessed the test of qualification when last he registered, and lost it afterwards, he was still amongst the class of those whom the law contemplated as fit to choose Parliamentary representatives. By the present law they had excluded in the counties all who had not some property, and in the boroughs they had excluded some of the ablest and most enlightened men, of the most respectable individuals who either gave value to land, or to manufactures, or to the revenue, or to our existence as a nation. He might have all the learning of a Locke, and all the inventive genius of a Watt, but if he happened to board and lodge instead of occupying a 10*l*. house, he was utterly incapable of voting in boroughs. But they must draw the line somewhere, and the distinction drawn between the privileged and favoured classes and the bulk of the community, was the possession of property or renting a particular house. But having once separated these two classes, what he wanted to know was why they should not allow the classes that were to elect to continue that right for five or six years; he did not say, that the elector should not be re-registered to prevent fraud, but he did not see why the sifted class should not have the right to vote until another general election. For his own part he would say, once a voter for ever a voter; not perhaps to that entire extent, but when the privilege was once granted, and the test complied with, the right should be allowed to stand at least for any given Parliament for which the vote was registered. That was the safe principle—the expedient as well as the just course. The present system was the exception as to the usual practice, and not the rule. It was not the principle which was applied to Members of Parliament, for when once elected, though he might lose his qualification, he could still retain his seat, and until the bill which was introduced by Mr. John Smith became the law, even an uncertificated bankrupt could hold his seat. Even at present, notwithstanding the enactment of Mr. Smith's bill, he might remain in the House twelve months after his bankruptcy. To be a justice of the peace required a qualification of 100*l*.

a-year, and though he should lose his property he was not put out of the commission. If, however, such a person acted as a justice of the peace, he did so at his peril; but, notwithstanding the peril, it was constantly done. [The *Lord Chancellor*.—A bankrupt or insolvent could be struck out of the commission of the peace.] No doubt; but the insolvency or bankruptcy did not disqualify him. The striking out would be at the discretion of the holder of the Great Seal. He also doubted the justice of the provision which prevented a man remaining on the register who received parochial relief. It was said, that a pauper must necessarily be a dependent; but what would they say of a menial servant? Was he not a dependent? It was right that they should be consistent in their legislation. A menial servant could possess a vote, and yet the latter was more likely to be a dependent than one who had received parochial relief. Though pointing out these defects, he would not move any amendment on the second reading of the bill, but merely take that opportunity of calling the attention of the House to them. He considered the most important part of the bill was the improvement which it effected in the jurisdiction of the revising barristers. Nothing could be much worse than the present want of uniformity and a proper power of control. Excellent as were the persons appointed by the judges, it was impossible for so many persons to take exactly the same view of the various subjects submitted for their decision, and involving nice and intricate questions. It was, therefore, a great object to establish a controlling power to lay down the law upon any point, and whose decision should be followed by the revising barrister. The decisions of the revising barristers, as well as those of another tribunal—namely, a committee of the House, so varied from time to time, that it was difficult to reconcile a former decision with a later one. It was, therefore, an improvement to remove the jurisdiction with respect to registration from the House of Commons, and vest it in the judges, where the variance of decision would be avoided, as the tribunal would not be so fluctuating. Indeed, it would have been an improvement with respect to committees of the House of Commons if the same committee tried all petitions; for the same committee would not venture upon decisions so conflicting, as had been pronounced by different committees. The Court of Common Pleas was not likely to come to conflicting opinions; and if it were shown to the judges of that court, that they had committed an error, they would themselves be the first to correct it. He had heard some jealousy expressed with respect to taking the jurisdiction from the Commons and vesting it in the judges, but for his part he entertained no such jealousy. It was said that it was an unprecedented thing for a judge to decide on the validity of a vote; but it should be remembered that in every case of disputed property a judge had to decide upon the right and title to the property out of which the vote was claimed. For these reasons, and approving the principle upon which the bill was founded, he would vote for the second reading, reserving for a further stage any objection with respect to details.

Lord *Denman*, in the first place, with regard to all the provisions for improving the registration of voters, had no doubt that Government and the House of Commons had formed correct views of the improvement required, and in the appointment of the revising barristers, he believed that the bill had introduced a great improvement by reducing their numbers and also the expense, the latter being an object which Government ought never to lose sight of. Yet, in justice to those gentlemen who had filled the office under the old bill, though opinions had been different on some questions, he might venture to say that no dissatisfaction had been felt in any part of the kingdom on the ground that their contrary decisions had not been the result of the utmost honesty and impartiality. If he had any objection to the bill it was because he was of opinion it did not go far enough. He was extremely happy to find that in this bill a provision had been made for an appeal to the Court of Common Pleas. The doubtful points of law which were to be reserved for this court would be correctly decided, and there could not be the slightest fear entertained that political feeling would in the remotest degree influence the judgment of this tribunal. The real objection to the present system of trying elections was, that the tribunal is not a permanent tribunal, and that it is of necessity subject to a strong personal or political bias. It was something to remove these temptations by placing the appeal in the hands of the judges, but he thought the bill did not go far enough, and judgments of contested election cases never could be satisfactory to the public till the tribunal for deciding them became a permanent, and not a fluctuating tribunal. To one portion of the bill he felt a decided objection. He alluded to clauses 81 and 87, which referred to the personation of voters, and the proceedings which were to be adopted against personation at elections. This offence, in his opinion, was one of the most audacious and mischievous in its consequences; and what he objected to was, that the present bill declared this personation to be an offence. Why, who ever doubted it was an offence? An offence that had been frequently punished, always severely punished, but not with greater severity than its turpitude merited. The same remark applied to the clause declaring it an offence to aid and abet others in personating, that is, in effect to suborn them to commit perjury, for every voter may be required at the hustings to vouch his identity by his oath. He not only objected to the declaration of personation being an offence, but also to the lightness of the punishment awarded by the bill. Imprisonment for not more than six months or not less than one month with hard labour. In the excitement of an election many an ignorant man might be tempted to commit the offence, from party spirit or for lucre, by being told that it only involved a month's imprisonment. He also doubted whether the power to apprehend suspected personators and bring them before the magistrates at the moment, might not be made a pretence for obstructing elections, and involve the ministers of the law in proceedings from which they ought to be kept aloof. And it seemed to him that the whole evil of personation would be better dealt with in a separate measure. It seemed to him that these two clauses were unnecessary, and in particular that the limitation of punishment would operate injuriously. There were other provisions to this effect, that agents were to be allowed to detect personation, and to give the presumed personators into custody, who were to be immediately taken before magistrates, and, if the case permitted, released upon bail. Now he would appeal to the experience of noble Lords, in county elections, to say whether a better expedient could be devised to obstruct an election than to allow a person to say that a voter was guilty of personation, and then to direct the voter to be taken up. If the voter was wrongfully accused the magistrate was to award compensation. But then it appeared that magistrates were to be constantly sitting during elections, and it was to be expected that these magistrates, from the political excitement and agitation of the moment, would be found voting one set of men to be personators and overlooking another set. If this clause were allowed to stand, he was satisfied it would be impossible to finish an election within the limited time, and magistrates would also be placed in a position in which they never ought to be placed. These clauses appeared to involve such obvious mischief and inconvenience that he felt it was the most respectful course he could take to draw the attention of the House to them, and to state that, if no one else took the step, he should, at a future stage of the bill, move the omission of the whole of the personation clauses.

Lord *Campbell* did not rise to oppose the bill. He rejoiced to hear that his noble and learned Friend (Lord Brougham), on the whole, approved of the Reform Bill, though he now semed to think it in some parts objectionable. With regard to registration, he thought it one of the best parts of the Reform Bill. [Lord *Brougham;* I am not against registration, God forbid!] Without registration we must have elections lasting for fifteen days, and yet hundreds of votes might not be decided by the sheriffs. The system of annual registration called for amendment. By the bill which had been brought in by Lord John Russell, a man who had once established his vote enjoyed it unquestioned for six years, and this provision he hoped to see introduced into the present bill. He objected to this bill because it adhered to the system of annual registration. He objected to it also that instead of forty judges sitting for eight or ten days in the year there were to be ten permanent judges sitting all the year round. According to his noble and learned Friend (Lord Denman) there were eighty-five revising barristers, and as there was a power of adding to their number, probably there might not be less than one hundred judges. He concurred with his noble and learned Friend (Lord Denman) that there had not been a whisper against the purity of the revising barristers; that, if they had erred, the error was one of judgment;

but how could it be expected that, where there was so large a number of men, some of them so recently called to the bar, there could be an uniformity of decision? The expense was a great evil, but a greater evil was the multiplicity of judges. Another objection was, that the patronage it gave the judges placed the bar, he would not say in dependence, but in an uncomfortable situation. It had been ascertained that ten judges would be sufficient, and it had been arranged between the two parties in the other House, that five should be appointed by one and five by the other; and he (Lord Campbell) had made the selection for the liberal party and Sir Frederick Pollock for the other. They had agreed upon ten barristers, and that bill had passed the Commons and been sent up to their Lordships. He (Lord Campbell had had an interview with his noble Friend (the Lord Chancellor) on the subject, and had intimated to him, that the arrangement had received the approbation of Sir Robert Peel. He could not, without a breach of confidence, state what had passed on that occasion; but the look of his noble and learned Friend seemed to say, "What care I for Sir Robert Peel? He is too candid for me." [The *Lord Chancellor*, That is your interpretation.] That was expressed by the looks of his noble and learned Friend and about that time he believed there was a certain party who would not have been unwilling to get rid of Sir Robert Peel, and that might be the reason. A committee of the House of Commons might be a bad court of appeal, but a court of law in his opinion was a worse. The judges of the Court of Common Pleas were at present men of great learning and great integrity; and there was no question which he would not implicitly refer to their decision; but their Lordships must not legislate with reference to the personal character of the judges of that court; though they were about to trust the decision of the privileges of the House of Commons to them. These judges might decide most conscientiously, yet erroneously; they might decide according to the policy of the law, and the policy of the law might, as in past times, suggest the contraction of the constituency as much as possible; but even if they decided with ever so great propriety, their decisions might be looked at with suspicion. Rarely had political questions come before the judges, but now it was proposed to send such questions directly before them, and he feared that it would involve the characters of the judges. He was, therefore, of opinion that it would be better that the House of Commons should, as Lord Coke suggested, have power to administer an oath and decide all questions of controverted elections *proprio vigore*. He had to object to the bill that it trenched upon the elective franchise, and that it multiplied an objectionable species of votes. It was the opinion of Sir J. Graham that questions of registration should not be mixed with questions of franchise; but this bill narrowed the franchise in connexion with popular rights, and added to the number of votes generally supposed to be on the Conservative side. First, as to trustees—why should the bill touch anything of that sort when there was to be a court of appeal? By the 23rd section of the 4th and 5th of William 3rd, cap. 45, a right of voting was given to trustees who were in possession, and if it had not been for certain words in the 26th section, there could have been no doubt whatever that trustees in possession had a right to vote. The 26th section, however, said, that no one could be allowed to vote unless he received rents for his own use. This could not apply to trustees, since trustees did not receive money for their own use. Trustees had accordingly been allowed to vote, though some revising barristers had excluded them. The present bill said they should have no vote, and thereby disfranchised hundreds. Another clause altered the mode of measuring the limits of seven miles from each borough (on which the right of voting often turned) from the rule laid down by the Court of King's Bench, giving a larger circuit, and the greater the circuit of the borough the greater were the means afforded of swamping the town voters. The great blots of the Reform Bill were the allowing the old freemen to vote, and the 50*l.* tenants at will. By the present bill a farm let for 200*l.* might be let to four joint-tenants, and each of those joint-tenants would have a vote, so that there might be as many of these sham votes multiplied as there were 50*l.* in the rental. When the bill got into committee he should move, that the clause respecting trustees, that respecting the mode of admeasurement, and that respecting the 50*l.* freeholders, be omitted. He could not conclude without expressing his surprise that no notice had been taken of the subject of registration in Ireland. Two or three years ago the subject was represented as brooking no delay, and a bill was pressed forward, but when it had served its purpose it was heard no more of. He should not oppose the second reading of this bill, but if it did not come out of committee a much improved measure he certainly should oppose its further progress.

Lord *Brougham* said, that if his noble and learned Friend were as correct in speaking as in hearing, it would be a great mercy for those to whom he addressed himself. He (Lord Brougham) an enemy of registration! Why, he thought it almost the greatest benefit of the Reform Bill. His only objection was to annual registration. Again, his noble and learned Friend said he (Lord Brougham) was an enemy of schedule A. Why, he was the parent of schedule A; and he would venture to say it was much safer in his hands than in those of his noble and learned Friend.

The *Lord Chancellor* said, as the objections made to the bill were chiefly those of detail, he should not enter into the general question, but leave those matters to be considered in committee. When, however, they were charged with an alteration of the law, he would give one specimen of the accuracy of his noble and learned Friend. They were charged with a great alteration as to the mode of calculating the distance,, which was calculated at present according to the flight of the crow. Now the clause on this subject was precisely the same as that in the Registration Bill introduced by the late Government on the 8th August 1836.

Lord *Campbell* said, the clauses were neither the same in words nor in effect. He was glad his noble and learned Friend could find no other answer to his objections.

The *Lord Chancellor*: There is not time now. I only give that as a sample. Wait until the bill comes into committee.

Bill read a second time.

Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, May 1, 1843.

MINUTES.] BILLS. *Public.*—2°. Municipal Corporations (Ireland).

Reported.—Factories.

3°. and passed:—Exchequer Bills; Apprehension of Offenders.

Private.—1°. Ross and Cromarty Jurisdiction.

2°. Bury, etc. Navigation, and Llanelly Harbour; Banbridge Road.

Reported.—St. James's Improvement.

PETITIONS PRESENTED. By Lords M. Hill, Dungannon, Howick, Stanley, Dalmeny, Duncan, Worsley, Ebrington, J. Manners, J. Russell, and Palmerston, Sirs G. Strickland, M. Wood, G. Staunton, Barron, J. Hanmer, J. Duke, G. Grey, T. Wilde, R. Philips, J. Graham, and H. Fleetwood, Colonel Sibthorp, Captain Berkeley, Colonel Powell, Captain Vivian, Colonel G. Langton, the Earl of Arundel, Dr. Bowring, Captains Pechell, and Howard, Colonel Fox, Captain Douglas, Colonel Wood, and Messrs. Evans, Trelawny, Tancred, A. Chapman, Bailey, Wawn, Halford, Ogle, Marsland, Thornely, Currie, Christie, Plumptre, Brotherton, W. Williams, Brownrigg, R. Walker, R. Yorke, Townley, C. Berkeley, Mundy, Pendarves, Barnard, Rice, Buckley, Cresswell, Curteis, S. Crawford, Turner, B. Smith, Marjoribanks, Ord, Blewitt, Gisborne, Busfeild, H. Lambton, Bowes, Ramsbottom, Hardy, Cobden, A. Smith, Aldam, Hollond, H. Berkeley, T. Duncombe, Forster, H, Seymour, Gill, V. Smith, D. Barclay, Hutt, Horsman, Wodehouse, Cartwright, S. Wortley, Attwood, F. Maule, Howard, Astell, Hawes, B. Wood, Childers, B, Clive, Ewart, B. Baring, Protheroe, Scholefield, Beckett, G. W. Wood, Hogg, Dickinson, Cardwell, Elphinstone, Brocklehurst, Fielden, Hume, Martin, Villiers, Ricardo, Hindley, G. Berkeley, and Tufnell, from an extraordinary great number of places, against the Factories Bill. — By Sir J. Graham, Sir R. H. Inglis, Lord Sandon, and Mr. Liddell, from fifteen Places, in favour of the same; and from two Places for inquiry into the manner of getting signatures to the Petitions against the Factories Bill.—From Little Bolton, Alcester, Bowling, Sunderland, Bury, Buxton, Clapham, Marsh, and Ossett, for Limiting the Hours of Labour.—From Clogheen Union, and Tipperary, against the Irish Poor-law.—From Tipperary, against the System of Night-work among Bakers. — From Wirral, for Amending the Parochial Assessment Act.—From thirty places, for the Total and Immediate Repeal of the Corn and Provision Laws.—From Ashford, for the same and for Lowering the Duty upon Sugar.—From Castle Donington against any further Grant to Maynooth College.—From Milton, for the Repeal of the Beer Act.—From Dublin, for the more Equal Applotment of the Rates levied in that city.—From Waterford, against the Municipal Corporations (Ireland) Bill.—From Warrington, for Medical Reform.—From Dublin, against transferring the Mail Coach Contract from Ireland to Scotland.—By Sergeant Murphy, from Cork, for the Repeal of the Union.—From Redruth, against portions of the American treaty.—From Finsbury, against the Repeal of the Mines and Collieries Act. — From Winchcomb, and St. Mathew's, Bethnall Green, against the Union of the Sees of St. Asaph and Bangor.—From Chorley, against the Ecclesiastical Courts Bill.—From Beverley, against the Bankruptcy Act.

POOR-LAW IRELAND—INTERFERENCE WITH THE JUDGES.] Mr. *French* wished to put a question to the noble Lord the Secretary for Ireland, respecting a circumstance which had given some dissatisfaction to the parties concerned. It appeared that Mr. Nichols, the Poor-law Commissioner, had, contrary to the wish of the guardians of the Londonderry Union, insisted upon having a new workhouse erected at a cost of 1,200*l.* The case had become a subject of litigation; but the law officers of the Crown had made a strong appeal to the court before which it was brought, stating that a hostile decision against Mr. Nichols would be productive of the most serious inconvenience. The judges replied that they sat there to administer the law without respect to the inconvenience which their decision might occasion to parties. Now he wished to know whether, after this proceeding, any intimation was conveyed to Mr. Justice Burton from the Crown, that it was desirable that the cause should stand over and that no decision should be given upon it?

Lord *Eliot* said, there was no foundation whatever for the supposition that the Irish Government, or any person authorized by that Government, had interfered between the learned judge on the bench and the Poor-law commissioner in the matter of the Londonderry Union. He apprehended that the mistake had originated from some observations made by his hon. Friend near him in open court during the proceedings, when he appeared, not as counsel for the Crown, but for the Poor-law commissioner, and when he expressed a hope that the learned judge would not decide upon a question of so much importance without giving ample time for consideration, and the bench acquiesced.

FACTORIES — EDUCATION.] On the question, that the Order of the Day be read, for the House to go into a committee of the whole House upon the Factories Bill,

Mr. *Ewart* was about to move one of the instructions of which he had given notice, when

Sir *J. Graham* rose to assure the hon. Member and the House, that it was not his intention upon this occasion to move this bill should be discussed and decided, but that the bill should be committed, *pro formâ*, in order that he might, at this stage of the proceedings upon this bill, introduce, on the part of the Government, important amendments, which it would be for the House, in committee, to discuss fully and fairly. Having stated what were his intentions, he should reserve any further observation until the motion was made for the Speaker's leaving the Chair, when he hoped the hon. Gentleman opposite would concede to him, and permit him the opportunity to state at length the object of the amendments he should in the committee, propose.

Mr. *Ewart* said, he felt himself bound, upon the present occasion, to give precedence to the right hon. Baronet, although he conceived that the course the Government had taken was not a judicious one. He agreed that he ought not to stand between the right hon. Gentleman and the country in respect to the explanation of the views of the Government upon this most vital question. But he conceded only upon the understanding, that he should stand exactly in the same situation with respect to the instructions of which he had given notice, as if the right hon. Baronet had not had precedence granted to him.

Order of the Day read.

On the question, that the Chairman do leave the Chair,

Sir *James Graham:* I have to thank the hon. Member for Dumfries for the courtesy with which he has acceded to my request, and I must be allowed to accept it as an omen that the temper in which this measure was discussed upon the evening on which I had the honour of first bringing it under the notice of the House, will prevail also on the present occasion, and that there will be manifested by the House, that earnest desire which characterised its former proceedings upon the subject—to deliberate with calmness and with patience upon a question of so much importance as the one which I have again to bring before it. I cannot dissemble for myself that although that spirit of calm forbearance prevails within these walls which is worthy of a deliberative assembly, much heat and excitement have arisen out of doors upon this very subject. The petitions which have been presented against those clauses of the Factories Bill to which I am about to advert have been numerous almost without a parallel. I might, if I thought it worth while, make some observations respecting the manner in which, in particular places, some of these petitions have been got up; I might point out the very gross misrepresentations which have been made out of doors, with respect to the scope, the objects, and the intentions of this measure; I might remark upon the means, that have been used to excite and stimulate opposition to it; but I shall abstain from all this. It is enough for me to know that these petitions are numerous, and have received the signatures of so many parties, that they are entitled to the utmost respect and attention from this House. I am at once ready to admit, that amongst the great Dissenting bodies of this country there does prevail at the present moment a very unanimous feeling against the educational clauses in this bill. Instead, therefore, of addressing to the House any observations such as those I have glanced at, I think that it is the duty of her Majesty's Government fairly to meet the question at issue; and I can assure the House, that I and my Colleagues have applied ourselves honestly and patiently to a consideration of the objections made to the measure, with an earnest desire, as far as it was consistent with the principles which I announced upon the occasion of my first bringing forward the bill—to apply particular remedies to these objections, so as to obtain as much chance as possible of ultimately arriving at a satisfactory conclusion. Before proceeding further, however, I am anxious to notice one or two preliminary objections, which have been much urged. It is not my intention to dwell upon them; but I wish to dispose of them before I proceed to any detail of the modifications I propose with respect to particular clauses, to which the objections of the greater portion of the Dissenting body, more particularly apply. In the first place, it is said that there is something insidious on the part of the Government in coupling the question of education with labour in the factories. Now, the House will do me the justice to remember that when I opened the subject to their consideration on a former evening, I noticed the fact that, with respect to education in this country, there was not a trace of compulsory education except in respect to two classes—first, factory children; and next, children in workhouses. It is not therefore, now, for the first time, that her Majesty's Government has mingled the question of education with the employment of children in factories. A law imposing compulsory education as the condition of employment in factories now stands upon the statute book. There is another argument which has been urged against this measure, to which I would wish shortly to advert. It has been said, that it is attempted, on the part of government, not only to introduce a great change in education, but that the clauses touching it are so framed as to force on that change—rapidly—suddenly—simultaneously. Now, I think that no such intention is manifested in the provisions of the bill; and will the House permit me, before the alterations are introduced, to point out to it the checks which the bill now contains against a sudden introduction of the system of education which it proposes to establish. I may divide this subject into two parts; first, with reference to the schools proposed to be created; and secondly, with reference to the schools connected with the National School Society, to which power is given to place themselves within the provisions of the bill. If hon. Members will turn to clauses 64 and 65 relative to schools to be built and brought into operation, for the purpose of introducing this scheme, they will find the following checks. First, before any such school can be built, a local subscription of one-third of the estimated cost of the entire building must be provided. When that subscription shall have been obtained it is necessary, as the bill now stands, that two—but I propose to increase their number to ten—persons qualified to act as trustees, together with the incumbent of the parish, shall make application to the educational committee of the Privy Council for assistance. Thus, ten persons, as trustees, must be parties to the memorial for a grant, and that only when one-third of the cost has been subscribed. The memorial being despatched to the committee of the Privy Council, they are to determine whether it presents a *prima facie* case such as will justify further inquiry. If they should be of opinion that the memorial and subscription constitute such a *prima facie* case, then the course prescribed is, that the committee of Privy Council is to order the memorial containing the alleged facts to be referred to the magistrates of the district, who are to call a special sessions, of which due notice shall be given, and an inquiry having been instituted upon the subject, a report shall be made thereon to the Privy Council. On that report the committee is again to deliberate; and it rests with them either to grant or refuse the prayer of the memorial as they may think fit. Supposing the decision of the committee to be favourable, it will be impossible for them to make any grant except from the funds voted annually in committee of supply. The House will observe how complete is the check and control of Parliament over the whole proceeding. The grant in aid of the local fund subscribed, in the manner I have already stated, can only issue from funds annually voted in this House, and in addition to that, and as a further check, it is provided that even after the schools have been established, no rate shall be allowed to be collected under the poor rate until the accounts have been audited by an inspector, appointed by the privy council, and until that inspector shall have reported that the whole of the subscriptions and the quarter pence of the children have been insufficient to supply the funds necessary for the maintenance of the school. The House will observe how stringent are the checks which I have detailed. And I must confess, so far from believing that this bill, if it pass into a law, will operate suddenly, and simultaneously; so far from thinking that the changes it proposes will be carried into operation, in large districts, hastily and prematurely, it appears to me that the checks upon its operation are of such a nature, that it must work gradually, slowly, and safely. I have enumerated the checks in the new schools. Permit me next to state the checks with respect to schools of the national school society which may be brought under the operation of this bill. First, the committee of management of the national schools must consent to the change of the constitution; next, the consent of the trustees must be obtained; then the consent of the ordinary; and lastly, of the Privy Council, upon the joint requisition of these three bodies. Having disposed of these preliminary points, I shall now address myself to the principal objections urged against this measure; and if I am to seek for those which are presented in the most tangible and clear form, I naturally turn to the resolutions adopted by the Wesleyan Methodists. I am of opinion that the sentiments of Dissenters generally are worthy of consideration; but at the same time, considering the number of the Wesleyan denomination, their conduct as a body generally on the subject of education, and the immense efforts made by them with regard to the establishment of Sunday schools in districts where such a system was wanted to supply the deficiency in imparting religious instruction, and where more wealthy but less active bodies had failed to meet the evil, I am bound to say, that I consider the objections emanating from such a source should be entertained with the greatest respect and receive the most deliberate consideration. The objection which has been very generally urged, and has, I think, met with most general sympathy throughout the public, has arisen not so much from the intention of the clause relating to Sunday-schools, as from the effect which has been ascribed to it, resulting from the wording. It has been described as a clause violating the right of conscience, by compelling parents whose children are employed in factories to use the Sunday schools established under this act to the exclusion of all other Sunday schools. Now, I beg to state that it is my intention to exclude from the 57th and 58th clauses all words relating to Sunday schools, and I shall also propose that the 60th clause shall be altogether omitted. In lieu of clause 60, I propose to insert a clause which I will read:—

> "And be it enacted, that the master and such other persons as the clerical trustees may appoint shall, on Sundays, and on Christmas-day and Good Friday, at such times and under such regulations as the clerical trustee may direct, open, and attend such school for the purpose of affording religious instruction to the members of the Church of England according to the doctrines and principles thereof, and shall give such instruction to every young person who may wish to attend school at those times, and to every child whose parent shall desire such attendance, and such master shall cause every child and young person not prevented by any reasonable impediment, who shall receive the religious instruction of the said school, on such days as aforesaid, to attend under the care of the master the divine worship of the Church of England, at least once on every such day at the church or chapel which the clerical trustee may select, or at the said school if the clerical trustee cannot select any convenient church or chapel where there is adequate accommodation for such children and young persons, and will provide divine worship in such school for the benefit of such children and young persons."

Now the House will at once perceive what will be the effect of this alteration. The school so appointed will be a Sunday school, it will be attended by the master, and by all such children whose parents direct that they should receive instruction in the Catechism and the Liturgy. But I stated on a former occasion, that I recognised distinctly as a principle, that until the child was emancipated, the parent or guardian should have a paramount right to exercise a free discretion with regard to the education of the child in any form of religious belief. In strict conformity with that principle, this clause allows even members of the Church of England, whose children attend the schools on week-days, if they should prefer any other Sunday-school, to send them to such school, instead of the Sunday-schools established under this act. If I have succeeded in stating to the House the alterations proposed by this clause, my hope and belief is, that every objection urged in petitions, or canvassed out of doors with respect to Sunday-schools is entirely removed. I will now proceed to the second objection, which relates to the certificates to be granted to day scholars. On this point, I propose to introduce alterations into clauses 16, 17, and 18, and also propose entirely to omit clauses 71, 72, 73, and 74. In lieu of these, I propose to introduce a clause that will enable all schools in the district to grant certificates of the attendance of the children, subject only to this condition, that all such schools shall come under the cognizance of an inspector appointed by the committee of the Privy Council, without any other sanction or control, and, with regard to the character of the instruction, only insisting that, in all schools in which Protestant children attend, the authorised version of the Scriptures shall be used.

With respect to Wesleyan schools or to those of Protestant Dissenters generally, this clause will be unnecessary; but it is desirable, in order to provide for the cases of certain Roman Catholic schools at which Protestant children may occasionally attend, and also it is necessary to provide against a Roman Catholic manufacturer using the power he possesses, as the employer of labour, of compelling the attendance of Protestant children at any private school within his factory, and there instructing those children in religious tenets, in the absence of the authorised version of the Scriptures. The House will perceive that I have removed all difficulties with respect to Sunday schools. As to day schools, I have provided, that all those now existing or which may hereafter be erected shall have the power of issuing certificates, provided those schools are subject to the superintendence of an inspector to be appointed by the committee of the Privy Council. I will now proceed to notice the third class of objections, for which I have endeavoured to provide a remedy. I propose to alter clauses 57, 58, and 59. It has been said, that the instruction in the catechism and the Liturgy, during school hours, would be attended with great interruption to the progress of instruction among Dissenters, who must encounter one of two evils, either to lose all the benefit of the system for the time by withdrawing their children, or, if they permitted them to be present, exposing them to attempts which might be made to instil into their infant minds the peculiar doctrines of the Church of England. I provide, in order to meet these objections, that instruction in the catechism and doctrines of the Church shall be afforded during one hour on three of the five days on which the children are to attend the schools; but I also provide that that hour shall be appointed by the trustees, and that it shall be either the first or the last of the three hours during which instruction is given. Further, I provide, that instruction in this branch shall be given to the children of Churchmen in a class held in a room apart from the school-room, and separate from that in which the children of those Dissenting parents who may object to the education of their children in the Church doctrines receive instruction. Then I take a precaution with regard to a matter on which the right hon. Gentleman the Member for Devonport urged some objections the other night. I mean with respect to the character of the religious books to be used by the children of Churchmen. As the bill stands, it is in the power of the clerical trustee to make the selection, and of course it is to be expected that the selection would vary according to the peculiar opinions of each clerical trustee. To obviate this objection, I have taken the precaution to provide, that the selection of the religious books shall be made by the two Archbishops of our Church. I propose that no inspector shall inquire respecting the religious instruction of children of members of the Church of England, unless he be empowered to do so by one Archbishop or by the Bishop of the diocese. I wish to point out the exceptions which have been made in favour of the children of Protestant Dissenters. In clause 59 it is provided—

"That if the parent of any scholar shall certify to the master or trustees that he desires that such scholar, on the ground of religious objection, may not be present at the periods when such catechism or portions of the Liturgy are taught, it shall not be lawful for any person to compel such child to be present at such periods."

An objection has been taken to this clause, because of the introduction of the words "on the ground of religious objection," it being thought invidious to compel a parent to state what may be the grounds of the objection he entertains. I propose, therefore, to omit these words, and it will consequently be competent for a parent, without assigning any reason, simply to state that he objects. Besides this, I propose specifically to enact, that during the hour in which religious instruction is afforded to children of members of the Established Church, which, as I said before, must be either the first or the last hour of the three, provision shall be made by the trustees that the children of Dissenters shall receive instruction in some branch of knowledge taught in the school, thereby providing, that during the interval of the retirement of the Church of England children, the education of the others shall proceed. But I do not think these provisions altogether sufficient to meet the objections which have been urged.

The precautions I have stated I believe to be ample against any attempt to introduce a proselytising spirit; but although I have taken these precautions—although I have provided that education in the catechism and liturgy of the Church shall be afforded in a separate room and at a fixed hour—still I think that these precautions fall short of the necessities of the case. Excepting on Sundays, no provision is made for the education of Dissenters in the peculiar religious creeds they may profess. This is an important point. I propose to introduce this clause to provide for it:—

"And be it enacted, that the trustees of the school shall appoint a day in each week, to be approved by the committee of council on education, in which any scholar, whose parent desires he may not be present when such catechism and liturgy are taught as aforesaid, may, during three of the usual school hours, receive religious instruction from the licensed minister of the chapel in which such parent attends divine worship, or from any person whom such licensed minister may appoint; and any such scholar shall be permitted to attend such instruction whenever his parent shall notify to the trustee that such licensed minister, or the person appointed by him, will be present at the time so appointed in each week as aforesaid, at some convenient place other than the school-house, in order to give such religious instruction to such child."

Now, Sir, I think I have met with candour and fairness, and I hope completely removed the objections which have been urged with regard to dissenting children; but I should be unjust if I did not notice the remarks made on a former evening by the noble Earl, the Member for Arundel, as to the peculiarity of the creed of the Roman Catholics. It is well known that Roman Catholics have a conscientious objection to the reading of the authorised version of the Scriptures. The subject has been frequently brought under the notice of this House, particularly on the presentation of a petition in 1824, by Mr. Grattan. The House will observe, that I do not recede from one important point of my original proposition. I proposed, that at the opening and closing of the schools, before and after instruction in general branches of education, the children should join in saying the Lord's Prayer, and in hearing a portion of the Scriptures read to them. To that arrangement I do not believe that the Protestant Dissenters have any objections. The right hon. Baronet, the Member for Devonport, with that clearness and perspicuity which distinguish him, accurately pointed out the other night the scope and object of this proposal, when he said it was an attempt, by amalgamation, to introduce the combined system of the British and Foreign National Schools. [Mr. Roebuck made some observation.] I am sure the Member for Bath will agree with me, that it is not my duty on this occasion to enter into any controversial points that may be raised. He has upon the paper a motion on which he will discuss this particular subject; but at present I am authorised to say, that it is in conformity with the wish of the Church and of the Protestant Dissenters, that the children should begin the day by saying the Lord's Prayer and hearing a portion of Scripture read to them; but I do feel at the same time that an obligatory provision of this sort would, in certain cases, be a violation of the consciences of Roman Catholics. In districts where the Catholics have schools of their own they would, indeed, have no right to complain. By simply permitting their schools to be subject to the inspection of the officers appointed by the Privy Council, they would be able to grant certificates. But still, in certain cases, a violation of conscience would undoubtedly ensue. I allude more especially to the case of districts in which the Catholics have no schools. In this case the parent would only have the alternative either of letting his child go to a school at which doctrines were taught of which he could not conscientiously approve, or of subjecting himself to a heavy penalty if he adhered to his conscientious objections—the penalty of not having his child employed in a factory. In order to obviate this objection I have framed the proviso I will now read:—

> "Provided, that if the parent of any child, being a Roman Catholic, shall notify to the trustees, that on the ground of religious objection, he desires that such child may not be present at such teaching or reading of the Holy Scriptures, nor at such divine worship as aforesaid, he shall not be required to be present at such times, but shall be employed in any matter of instruction not religious in a room apart."

I hope the House will pardon me for going at such length into these provisions. I think, perhaps, that in this way I may render the matter more intelligible to the House than if I placed the whole of the new clauses before it at once without explanation. [Mr. *Gisborne:* What do you propose as to the trust?]—The hon. Member is only anticipating me. That is the next point I mean to advert to. The clauses in the bill which relate to the appointment and powers of the trustees of the school are to be omitted entirely. I allude to clauses 51, 52, and 53 of the bill as it now stands, and I introduce new clauses, which will give an entirely new character to the trusts. I will begin with that in which there is no alteration. It is the intention of the Government to adhere to their proposition that if there be only one parish in the district the minister of that parish shall be a trustee; and that if there be more than one parish in the district, the bishop of the diocese shall select the incumbent of any one parish to be the clerical trustee. The bill, as it now stands, enacts that the clerical trustee shall have the appointment of the two churchwardens, or if there be more than two, that he shall have the power of selecting two. I propose that, instead of the selection of the two churchwardens, the clerical trustee shall have the power of selecting any person duly qualified (he may be a churchwarden), according to the provisions of this act to be a trustee. In lieu of the second churchwarden nominated by the clerical trustee, I propose to have an elective trustee, and I provide for his election in this manner:—

> "And be it enacted, that when there shall be any number of persons, not less than twenty, who shall each have voluntarily subscribed a donation of 10*l.* at the least in one sum towards the expenditure in the maintenance of the school in any one of the three years immediately preceding any election, or the sum of 1*l.* at the least for the two successive years immediately preceding any election, or one of whom shall have given the site for the said school, the returning officer aforesaid shall summon a meeting of such subscribers and donors at the school or in some convenient place, and such subscribers and donors as are present at such meeting shall elect some one person and no more, qualified as hereinafter provided, to be a trustee of the said school."

As this is the most convenient moment for acquainting the House with what I purpose shall be the qualifications of trustees, I will read the clause I have framed with reference to this point:—

> "That any person being assessed to the current poor-rate of any place wholly or partly within the district of the said school, in respect of property situated within such district, and whose assessment is among the first third of the assessments arranged according to the amounts of rental from the highest to the lowest, any person being usually resident within five miles of the school who shall have given the site thereof, or one tenth part of the entire original cost of the school buildings, or shall have given a sum of 20*l.* at the least towards the expenditure in the maintenance of the school during any one of the three immediately preceding years, or shall have subscribed the sum of 2*l.* at the least thereto for two successive years immediately preceding the publication of the notice of the said election, shall be qualified to be a trustee, provided that where any firm or partnership shall be assessed, the amount of the assessment shall be divided by the number of persons whose names shall be expressed in the rate, and each of such persons shall be deemed to be assessed at the amount assigned to him by such division, and no person shall be deemed to be qualified in respect of the assessment whose name is not set forth on the said rate."

These are the qualifications which I intend to propose with reference to the trustees. The House will observe that I have now mentioned three out of the seven trustees. It is my intention to adhere to the originally proposed number of trustees, viz. seven. One is to be the clerical trustee, one is to be selected by him, and one to be elected by the donors. The bill, as it now stands, proposes that the four remaining trustees shall be appointed under certain regulations by the magistrates at petty sessions. Now as it is contemplated that the maintenance of these schools shall be provided for, under certain circumstances, out of the poor-rates, I and my colleagues have felt it to be but fair and just that the rate-payers should have a considerable voice in the appointment of this tribunal; and, therefore, it is my intention to propose that the four remaining trustees shall be elected by the rate-payers assessed at 10*l.* for twelve months antecedent to the election. I think it would be disastrous that in any district where either Churchmen or Dissenters have a preponderating influence, the four elected trustees should be returned exclusively by one party. I, therefore, take the precaution—and I care not how it operates, whether on the right hand or on the left—that in every case the minority shall be represented. To this end I have provided that no rate payer shall vote for more than two trustees, the effect of which will be that in every case where the majority does not preponderate to the extent of more than two-thirds, the minority will return two representatives in the trust. It will be thus seen that five out of the seven trustees will be elected. [Sir *G. Grey:* What is to be the duration of the trust?] I am very much obliged to the right hon. Gentleman for reminding me of an important point. The duration of the trust I propose shall be five years. I shall now proceed to call the attention of the House to a new power which it is intended to give to the trustees. I propose that the head master, and he only, shall be subject to the veto of the Bishop of the diocese, but that all the assistants shall be appointed by the trustees, and subject to no veto. At the same time I provide, according to the words of the clause as it originally stood, that the religious instruction in the Scriptures given at the opening of the school shall be conducted by the master only. An objection has been taken with respect to the power of the trustees, namely, that one of them might hastily and capriciously dismiss a child from the school, the penalty of the act being no less than the child's exclusion from factory labour. I propose that three trustees must concur as to the dismissal of a child before it can take place. I then propose that any one trustee may appeal to the committee of the Privy Council against any decision of his colleagues with respect to the books selected for general secular education, and with respect to any act done in the school by them or under their sanction. And I not only give this power of appeal to the Privy Council, but I give the Privy Council the power on that appeal, to reverse the decision of the trustees, and to dismiss any person against whom a complaint shall be substantiated. I propose, also, in some respects, to enlarge the power of the committee of Privy Council. I omitted to state that, with respect to the election of four trustees by the rate-payers, the election will be by open voting papers, as in the case of the election of boards of guardians. As I have stated I propose to enlarge the power of the committee of the Privy Council, in some respects. I propose that the inspector appointed by the Committee of Council shall have power, at all times, to attend the meetings of trustees, and may summon special meetings of the trustees, but that he shall not have the right of voting at any such meetings. I propose also, that all bye-laws shall receive the sanction of the Committee of Privy Council before they can be finally adopted. I have already stated to the House that a general and absolute power of control, to guard against the violation of any of these regulations, will be vested in the Committee of the Privy Council. The House will observe, that if, contrary to the intention, spirit, and even letter of this act, the master should, through the medium of reading and teaching the Bible, at the opening and closing of the school, attempt to use his influence unduly for the purpose of instilling into the minds of the scholars any peculiar opinions with respect to matters of doctrine, it will be open to any trustee to complain of such conduct on the part of the master to the Committee of Privy Council, which has the power of dismissing him, if the complaint be substantiated. I am obliged to the House for the patience and attention with which it has listened to the explanations I have offered. I have endeavoured, in the most calm and dispassionate manner, to make intelligible to the House, as far as I am able, the precise nature, scope and extent of the alterations which I seek to make in the measure now before the House. Those alterations, I humbly contend, are in strict conformity with the principles which I originally laid down when I introduced the measure. I feel that I am justified in saying that these alterations have been framed with the respect which is due from her Majesty's Government to the Church established in this country, and, at the same time, with the respect which is due to that perfect liberty of conscience and those tolerant principles which are no less established by law. I have stated to the House, not more warmly and deeply than I feel it, that the necessity of some such measure as this is urgent. It is my belief that imminent danger would result from its postponement. I may be wrong, but I feel intimately persuaded that if this measure, modified as it now is—a measure treated with signal forbearance by the political opponents of the Government, and with respect to which an earnest desire has been manifested to arrive, if possible, at a conciliatory adjustment—if a measure so proposed, so supported, and so treated in Parliament, shall fail to effect the great object of a combined system of education, from this time all further attempts to attain that end will be hopeless, and henceforth we must expect nothing but a system of education conducted on adverse principles, and in an antagonist spirit, which, I say it with deference, instead of producing a feeling of unity and good will amongst all classes of her Majesty's subjects, will but aggravate the bitter spirit which now exists; and I venture to predict that the most fatal consequences will ensue. I am, really unwilling to touch upon these topics, yet the gravity of the question we are now discussing impels me to test the sincerity of some of the opposition which has been raised to this measure. No man in this House can more strongly deprecate the introduction of religious topics into our debates than I do; but yet I feel that the difficulties which the present measure has to contend against in this House, are connected with honest religious differences. How is it, however, that in England, the pride of Christendom, —England, the mistress of the seas, that sends forth her commerce, her language, her manners, her arts, and, more than all these, her missionaries and her religion, to the utmost parts of the earth—how is it that in the heart of this very country, in this fair England, so great a mass of ignorance and infidelity—infidelity arising not from the perversion of the reasoning powers, but from want of knowing the saving truths of the Gospel—should be found? And how is it too, that at the same time such strife, such anger should be exhibited in the name of religion? Is it any mark of sincerity, either in Churchmen or Dissenters, that they should mingle with religion bitter and angry controversy? I say that the great Author of the Christian faith has left mankind, to the latest day, a test by which the sincerity of his followers may be tried. He has said, "By this shall all men know whether ye are my disciples: if ye love one another." In the early time, when the small band of Christians, with all its privations and its wants, was exposed to every species of suffering, extending even to martyrdom, the distinguishing characteristic to which I have referred attracted the notice of the Heathen and they exclaimed,—"See, how these Christians love one another." In these later days, the sceptic may point with scorn and derision at professing Christians, and observe—"See how these Christians hate and despise each other." Alas! these are the difficulties with which we have to contend; but I ask the House to continue to manifest the spirit in which it received what I before addressed to it, as well as what I have ventured to state on this occasion, and I say, let us elevate our hearts and minds, let us act the part of Christian Legislators, and evince that we are worthy of our high vocation. I am aware—for the symptoms are but too evident—that upon this question the waters of strife have overflowed, and now cover the land. This [here the right hon. Baronet placed the modified bill upon the Table]—this is my olive branch. I tender it in the hope that the harbinger of peace, ere long, may return with the glad tidings that the waters have subsided. On the part of the Government I tender this peace-offering in the spirit of concord, and of Christian charity and goodwill. I will not yet abandon the hope that if it be received, at least in this House, in a corresponding spirit, it will still be possible to effect an object which concerns, in the highest degree, not only the temporal, but the eternal welfare of a great body of our fellow subjects, and which, if accomplished, will redound to the lasting renown of this House.

Lord *J. Russell*: It is not my intention to attempt to discuss the various alterations which have been announced by the right hon. Baronet, and indeed I think it would be highly inexpedient to do so on the present occasion. I rise to express my hope, in accordance with that of the right hon. Baronet, that whenever this subject shall properly come under discussion, it may be discussed in a spirit of calmness, and that we shall endeavour so to frame the various clauses of the bill, as that we may arrive at the practical result which the right hon. Baronet and the Government wish to attain—namely, a system of combined education. Some observations fell from the right hon. Baronet, towards the conclusion of his speech, on which I feel it necessary to make a few remarks. I allude to the reference which the right hon. Baronet made to the part which the Protestant Dissenters have taken on this question. Do not let us forget the part which the British and Foreign School Society has acted. Do not let us forget that when Mr. Lancaster first announced his plan of education in this country, though many Churchmen agreed to support him, those who first gave him the most active and efficient support both personally and by pecuniary means, were the Dissenters. It was not until some years afterwards, that the National School Society was formed, and the Established Church took up the subject with anything like zeal and energy. But, more than this, the Dissenters, after having gone on many years working in the cause of education; after having done all that they could in the manufacturing districts, where the Church had the smallest number of ministers—a number, indeed, quite inadequate to the wants of the population—the Dissenters after all these exertions, have in latter days been aspersed and made objects of obloquy and reproach by a section of the Church. In discussing the clauses of this bill with Dissenters, I have found prevailing amongst them a feeling that a certain portion of the Church would gain by this measure a great additional power and authority, and that it was that very portion of the Church which is accustomed to describe the Dissenting ministers who teach the truths of the gospel according to their views, as men unfitted for that duty. I say, then, when we consider, that these men have, for the last thirty or forty years, laboured most zealously in the cause of education, and that to them it is owing, that in the great manufacturing districts practical infidelity is not more rife than it is at present, it is not surprising that, under the treatment they have experienced, they should feel apprehension, alarm, and indignation. The right hon. Baronet, in the name of the Government, has proposed a system of education founded on a basis totally different from that which now exists. From the moment when I heard the right hon. Baronet announce that, under his plan, the Bible was to be read in all schools, the Catechism and Liturgy of the Church should be taught to the children of members of the Church of England, and that teaching should not be extended to the children of Dissenters, I could entertain no doubt that it was the intention of Government to frame a system of combined education with due respect to the conscientious feelings of Protestant Dissenters and Roman Catholics. I think, that the amendments which the right hon. Baronet now proposes must be looked upon rather as intended to remedy defects, and to carry out the original intention of the measure, than as a departure from its principle. I certainly concede that, and I quite agree with the right hon. Gentleman in thinking it is not now expedient, that the House should be induced to enter upon any general discussion of the measure; still less is it desirable that we should at this time proceed to the examination, point by point, of the several provisions which the bill contains. At the same time, I must refer to one or two points, with respect to which the spirit of equality has not been so well observed as the right hon. Baronet seems to imagine. In the first place, by giving the veto to the Bishop of the diocese in the appointment of the school master, and by providing, that the master, if required, shall teach portions of the Liturgy on Sundays, it is evident that the master must always be a member of the Established Church. It is so far a test of his qualification, and a test by which no Protestant Dissenter will be able to fill the office. With regard to the appointment of the trustees, the right hon. Gentleman now proposes, that that body should be constituted thus: the clergyman of the parish, who is to be one trustee, is also to nominate another, and one is to be appointed by a certain number of persons who contribute to the funds of the school. The last may be considered as attached to no party. Then there remained four, and the right hon. Gentleman said, that, as he did not wish to throw the balance on one side or the other, two should be elected by the majority, and two by the minority. That would be the effect of the right hon. Gentleman's proposition. Now, if those four and the person to be elected by the contributors, who might be supposed to be neutral, were to constitute the board, then the balance would not be unduly thrown on one side or the other. But with the addition of the clergyman and his nominee, it would happen, if the Dissenters should be the minority, they would elect two representatives who could give no aid or assistance to the other members of the board, whilst, if the Church party were in the minority, and the two were elected by the majority of Dissenters, those elected by the minority would bind the board of trustees; a clergyman and a person appointed by that clergyman and the two elected forming in a board of seven trustees, four directly appointed for the Church. Yet the Church party is in some of the manufacturing districts, an almost insignificant minority. That certainly must be the effect of the right hon. Gentleman's proposal. With regard to his other amendments, I will not go into the discussion now. I think the amendments are framed in a very fair spirit. Whether efficiently or not is another question, which I shall be quite ready to discuss when the proper time comes. I have already said, that the course I shall now take is, not to oppose going into committee upon the bill. I will not offer any opposition to the proposal for going into committee on the bill. The hon. Member for Dumfries has given notice of his intention to propose that the educational clauses shall form the subject of a separate bill. I wish that by nothing which I have said, I shall be considered to be excluded from the right of supporting that proposition if I should think proper to do so. I do not think it sufficient to state, as the right hon. Baronet has done, that the only instances in which the Legislature has interfered with the education of children, are with respect to children employed in factories, and the children of paupers maintained in the workhouse. It may be a question, whether in introducing a new system of education which applies practically to a large portion of the country, and, in principle, to the whole country, it would not be desirable to make it the subject of a separate bill. My object in giving notice of the resolutions which stand upon the paper, was to obtain from the House a declaration as to the injustice of a compulsory interference with religious opinions. I will not say anything further than to express a hope that we may proceed to the consideration of this bill, with the prospect of wiping away from this country the stain of not having an efficient education for the working classes, an object in the attainment of which those classes are more deeply interested than the Government or any party in the state.

Sir *R. H. Inglis* agreed with his right hon. Friend that it would be inexpedient prematurely to bring on a discussion upon the present measure; still he wished to ask his right hon. Friend a question. In the latter part of his right hon. Friend's speech he was understood to say, that if the master were unduly to bias the minds of any of the pupils attending the school by inculcating upon them his own religious opinions, he would be liable to be dismissed. When it was recollected, that the master was to be a Member of the Church of England, and when the House were told, that the master was not to teach the opinions which he believed to be true, it became important that he should inquire from his right hon. Friend, whether he correctly understood him to say, that the master was not to be at liberty to teach those opinions on religious subjects which he conscientiously entertained?

Sir *J. Graham*: My hon. Friend has raised a question of the utmost difficulty which obviously presents itself on the reading of the clause, in which the phrase "teaching and reading of the Scriptures" occurs. On a former occasion, I stated distinctly the sense in which I used the word "teaching." I said, that I used the word exactly in the sense in which it is received by the British and Foreign School society, and to illustrate its meaning, I read a passage from the evidence given by Mr. Dunn the Secretary of that society, when examined on this point. I have not now Mr. Dunn's evidence before me, but I can repeat the substance of it. Mr. Dunn said, that the schoolmaster was bound to see, by questioning the children, that they received, not only words, but ideas. Mr. Dunn was then asked, whether the master might offer any comments on particular passages, and he expressly said, in reply, that the rule of the British and Foreign School society excluded all comments; Mr. Dunn's expression was, that the master was not a commentator; but, simply, an expositor. If a master should perceive, by the vacant expression of a child's countenance, that he does not understand what he has heard or read, he must explain its meaning; but if he should endeavour to give a doctrinal turn to his exposition for the purpose of proselytising that would be a departure from his duty, and if any trustee produced proof of such conduct on the part of the master before the Privy Council, he would be dismissed.

Dr. *Bowring* said the House was indebted to the hon. Baronet for calling on the right hon. Baronet to state the meaning of what he said. They all remembered how emphatically it had been asserted that the Established Church was to be the supreme instructress of the people—that it was the duty of all Members of the Church of England to endeavour to make converts. [" No, no."] He would repeat that the opinion was, that all members of that body were bound to use their best endeavours to church-of-Englandize the whole nation. On that ground the hon. Baronet opposite gave the bill his support, thinking that its tendency would be to advance the interests of the Church of England, and therefore he was right in putting the question which the House had heard. It was evident that with the authority which the bill gave to the master, he must feel that he would not be discharging his duty to society or to the Church of which he was a member unless he did that which the right hon. Baronet said would expose him to the chance of dismissal. The bill was one to which the Dissenters objected, as giving a preponderating power to the Establishment, and he felt satisfied that the people at large would never be satisfied with any system except that which kept the secular education of the people in the hands of the Government teachers, and their religious education in the hands of their respective pastors. In Holland grants were given respectively to Jews, Catholics, and various classes of Dissenters. With the hon. Baronet opposite the great recommendation of the measure was, that it would give a preponderating influence to the Church; but with him that formed a fatal objection, and he should therefore vote against the further progress of the bill.

Mr. *Ewart* thought that the best mode of proceeding would have been to increase the education vote of the present year so as to extend the benefit of education to all classes. The right hon. Baronet had interfered with the theological instruction of the people, and he therefore should oppose the bill. Perhaps under all circumstances, it might be better to postpone the measure until next Session, when, possibly, they might get a bill not open to the charge of partiality—not open, for example, to the charge of giving a double vote to the clerical trustee. The bill as it stood was one which he must strenuously oppose, as a measure adverse to religious freedom. He was afraid the plan proposed by the Government had deferred rather than accelerated the cause of education.

Mr. *G. Knight* was happy to find, from what had been said by the hon. Member for Dumfries, that in his opinion the education clauses had been greatly improved; in fact, that the sting had been taken out of the bill. But he had principally risen to protest against the inferences which the hon. Member for Bolton had allowed himself to draw from an expression which had dropped from the hon. Baronet the Member for the University of Oxford. That hon. Baronet might desire that the proposed system of education might be made an instrument of conversion; but he must deny that the hon. Member for Bolton was at all justified in attempting to fasten that imputation on the bill itself, or on those who supported it. The clauses had been carefully altered on purpose to remove the slightest suspicion, and the right hon. Baronet who brought them forward had expressed himself most distinctly upon that subject. He was aware, that this was not the time to discuss the modifications proposed; in fact, the modifications were so numerous and so extensive as to render the bill a new bill, so far as the education clauses were concerned, so much so that the numerous petitions which had been presented could be no longer considered to apply to the bill as it now stood, or rather they exactly described it, for almost all the petitions desired a national education, upon comprehensive, just, and liberal principles, which words appeared to him exactly to describe the bill as it now stood. This was the first attempt at anything like a real national system of education, an attempt admitted to be necessary in order to apply some remedy to the frightful mass of ignorance and immorality which had been found to exist in various parts of the country. But could any man say, that a national system could be supported except by a rate? Could any man say, that a national system could be carried on unless it was one in which the Established Church could bear a part? It must be such a one as the Dissenters could support; but it must also be such a one as Church of Englanders could support; and when the hon. Member for Bolton had talked about a dominant sect, he must be permitted to say, that in any country where there was an established church, there could not be absolute religious equality. It was a contradiction in terms. But this was not incompatible with religious liberty, and the proposed system of education might be carried on in such a manner as need not offend the conscience, or interfere with the opinions of any sectarian. He was willing to make any modifications, for the sake of so great an object, that would be compatible with the co-operation of the Church. This he could not give up, but he desired no more. The hon. Gentleman had said, that the plan must be such as would not offend any conscience; but need any conscience be offended by the projected plan? Surely not, when the children would be permitted to attend such places of worship as their parents preferred, when they would not be required even to learn the catechism, when facilities would be afforded them for receiving instruction out of school in the religious tenets of their parents; and in what other way were the schools carried on which emanated from the British and Foreign School Society? Did they instruct the children in all the varieties of tenets which exist in this country? Did they assemble the children in distinct classes, and teach them Wesleyan doctrines in one corner, and Socinian doctrines in another? They did nothing of the kind—but they gave them all the Bible to read. What difference, then, was there, so far as the children of Dissenters were concerned, between the plan proposed by the bill and the plan adopted by the British and Foreign Schools Society? He might say, that he knew that, practically, the consciences of Dissenters were not offended by such a mode of education; for he was acquainted with schools in which the children of Dissenters, and of those belonging to the Church of England, were brought up most harmoniously together; and he knew that, by permitting the children to go to what places of worship their parents preferred, the parents sent them to the schools in which this provision was given with the utmost cheerfulness. But it had been said how imprudent to introduce this plan of education into the manufacturing districts where the Dissenters were so numerous! But was it not in these very districts that there was the greatest necessity for education? Was not this a proof that the Wesleyans, if unassisted, were unequal to the task; and if some inconvenience had to be encountered, would it be right, would that House be doing its duty, if they were to leave that frightful mass of ignorance and immorality to itself? He did hope that the proposed amendments would be dispassionately considered—that on such an occasion no jealousy of the Church, no struggle for power, would be allowed to creep in. He did hope that the Dissenting body would take the modifications into consideration, and not take upon themselves the fearful responsibility of defeating this plan. If they did so succeed, no other plan could be attempted, and the perdition of millions would be upon them and their children.

Mr. *Hawes* said, the object of the House that night ought to be to hear what alterations the right hon. Baronet intended to propose. They had heard them, and he (Mr. Hawes) should reserve his opinions on them for a future stage. The right hon. Gentleman had, no doubt, made great concessions; nevertheless, he (Mr. Hawes) apprehended that several points yet remained that would be liable to great objections. He still thought the constitution of the trusts objectionable, and in the same light he viewed the principle of taking the funds from the poor-rates. The power given to the Privy Council to value property he also thought was highly objectionable, and he saw no necessary connection between such a power and a scheme for the education of the people. In any scheme of national education, there ought to be perfect equality between the different religious sects; no predominance ought to be allowed. The bill, even in its present form, was one of which he feared it could not be hoped that it would give general satisfaction.

Mr. *Milner Gibson* thought it would be fair to ask the right hon. Gentleman how many children he thought would be likely to receive education through the agency of this bill? Did not the right hon. Gentleman think, that by legislating in this way for four particular employments,—woollen, flax, silk, and cotton,—that the tendency of his measure would be to cause children to be withdrawn from those employments, and to cause them to be placed in others that were not liable to the control of the factory regulations? He was glad that a noble Lord (Lord John Russell) had it in contemplation to propose a more general plan of national education. The Government plan was involved in a multitude of difficulties, and would necessarily lead to a system of placing every species of employment under the control of inspectors. The same rule that was applied to one description of trade in which children were employed, would apply to farming and every other description of employment. And it was reasonable that the rule should be equally extended to all occupations in which children were engaged. It was for the right hon. Gentleman, however, to consider whether such a proposal would be tasteful to the people of this country. He (Mr. Milner Gibson) was informed on good authority, that there was not at the present moment one child in Glasgow that would come under the operation of this bill, as there was not a child under thirteen years of age employed in a factory there, and yet would any one say, that the children of such a town as Glasgow were not among those pointed at in the report before the House? The bill now before them would affect only those employments in which the children did already receive some kind of education, and from those employments, he was disposed to fear, the proposed bill would only have the effect of withdrawing the children. The religious point of complaint which he heard on every side was this: It is unfortunate that Parliament will meddle with religion. Let Parliament provide secular education, and leave it to the Church to provide for the religious instruction of those of its own flock, and leave it to the Dissenters to do the same for the children of their several communions. We seemed to be legislating as if there was no Church in the country. Was there such a lack of zeal in the Church that the clergy could not be entrusted with the education of the children of the poor? We were told that the Church was necessary for providing instruction for the poor, and that every clergyman at his ordination made a solemn vow that he would assemble the children of the poor every Sunday to teach them the national faith, and yet we were continually interfering with legislative enactments. Religion ought not in the most remote degree to be made the subject of law. He wished the House would confine itself to providing secular instruction in which all sects would agree and participate—if they went beyond that they would be doing a gross and manifest injustice.

The Earl of *Surrey* in the present stage of the bill, did not feel called upon to state his sentiments on the proposed modifications. He should reserve what he had to say for a future evening.

Mr. *O. Stanley* hoped the right hon. Gentleman would not press the measure forward without giving full time to the country to consider it. If he did, he would be the cause of division between the Church and the Dissenters.

Mr. *Hindley* regretted that the right hon. Baronet had not made, before Easter, the statement which he had that night made to the House. He felt convinced that the constitution of the boards of trustees would not give satisfaction out of doors.

Sir *James Graham* said, it was certainly his intention to adhere to the clauses, the object of which was to limit the labour of children to six hours and a half, and to prohibit their working both morning and afternoon.

Mr. *Borthwick* said, if those who petitioned against this measure were sincere in the wish to which they laid claim, of communicating religious instruction to their countrymen, he could not understand why they insisted so much on technical points of theology, by which they impeded the object they professed, in common with the Government, to have in view. Had the Church, in past days, fulfilled the duty of providing adequate religious instruction for the people, the present bill would not have been required. He wished, in education, to combine sound secular instruction with religious knowledge, which was by far the more important. According to the modern system, they were in danger of giving not too little but too much secular instruction. He could not help thinking that one of the greatest curses to this country had been the spread of science among the working classes. A little learning was a dangerous thing, more particularly in the abstruse branches of knowledge. He trusted that the measure which the right hon. Baronet had laid on the Table might be so modified as practically to work out the result of combining wholesome and sound secular instruction with the communication of religious knowledge.

Mr. *P. Scrope* wished to see a good general system of education established. If rates were to be raised from the property of the country, the proficiency and the education ought to be as general as the rating. He thought it would be well to separate the education clauses from the remaining part of the bill, and mature them into a liberal and comprehensive plan, which might have some chance of being adopted in a future Session.

Viscount *Dungannon* expressed his admiration of the truly Christian address of the right hon. Gentleman, the Secretary of State for the Home Department. If the propositions which Government made for the purpose of obviating the objections brought against the measure were not met in a fair spirit, he should despair of seeing any efficient system of education established. As far as religious instruction was concerned, he thought it was not possible to devise means better calculated to give satisfaction to every class of the community. If any measure were calculated to do honour to her Majesty's Government, the present was. While the external power of the country was extending, it was lamentable to see so great a mass of its population at home sunk in ignorance, and abandoned to scepticism and infidelity. If difficulties were thrown in the way of this bill passing, the responsibility must rest on the heads of those who wished to impede a measure which would be a boon and blessing to the country.

Mr. *Aldam* objected to those provisions of the bill which regulated the appointment of schoolmasters, as interfering with the employment of Dissenters who had been educated with the view of becoming teachers of normal schools.

Bill went through committee *pro forma.*

MUNICIPAL CORPORATIONS (IRELAND).] On the order of the Day for the second reading of the Municipal Corporations (Ireland) bill.

Sir *R. Ferguson* said, as this was a bill of the deepest importance to Ireland, he hoped that it would be postponed until after they had considered the measure respecting the amendment of the Poor-laws in that country, as it was in some degree connected with the subject.

Mr. *T. C. B. Smith* said, that this bill had received the concurrence of very many hon. Members on both sides of the House, and in the framing of it no attempt whatever was made to interfere with the principle of the Municipal Corporation Act in Ireland. Several remonstrances had been made by persons of all political opinions respecting the defects of the law in the practical working of its details. It became the duty of the Irish Government to listen to the suggestions that had been made on the subject, and to afford some remedy by which the principle of the law could be fully and fairly carried out, and the measure before the House was deemed necessary to effect those objects. Under these circumstances he could not see any reason why this bill should be postponed.

Sir *R. Ferguson* explained. He hoped that at any rate the committee would be postponed until after the House should be in committee on the Irish Poor-law Amendment Bill.

Lord *Eliot* would not undertake to say that he would defer the committee on this bill until the Poor-law Bill should have passed through committee; but he could assure the hon. Baronet that ample time would be given before he proceeded in committee.

Bill read a second time.

SUPPLY—LAW CHARGES.] On the motion of Sir G. Clerk, that the report of the Committee of Supply be further considered, and on the question that the 47th resolution (the estimate of the sum required for law charges, special commissions, &c., 38,000*l.*) be agreed to,

Mr. *T. Duncombe* said, this was the vote which had been postponed on a former occasion in consequence of the inability of her Majesty's Ministers to furnish any information when called upon to state the particulars of the sum of 38,000*l.*, to defray the expenses for the ensuing year. It appeared, then, that the sum actually required by the estimate was 47,105*l.* That sum included a sum of 15,000*l.*, which would be required to defray the expense of the late special commissions. It was also stated in the estimate that the two it ms of expense of fees to counsel and carrying on suits and prosecutions amounted to 26,000*l.*; and this amount moreover was stated on the face of the estimate to have been—

> "Formed on an average of the last three years' expenditure, ended 31st March, 1842, which, owing to the state of the country, was of an unusually large amount."

He had, therefore, hoped that the sum of 38,000*l.* was to cover the expense of the coming year. Upon looking at the statement made in the estimate he found, that a sum of nearly 8,600*l.* (8,576*l.*) was charged as fees to counsel; and for expenses incurred in carrying on suits, &c., 17,517*l.*; amounting altogether to 26,090*l.* or say 26,000*l.* Now this was stated to be taken on the average of the three preceding years for the same charge; but he found that, taking the three years ended 31st March, 1842, the average had not been fairly or correctly taken. The sum required in 1839 for these two items was 9,511*l.*; in 1840 it was 9,428*l.*; and in 1841 it was 14,229*l.*; the average on the three years being 11,060*l.* But the sum stated on the face of the estimate as required, and as being the average of the three years, was 26,000*l.* He thought, that this required further information than had yet been given to the House. However, before he went into that point, he would beg to call the attention of the House to the extraordinary increase which had taken place within the last five years in the amount of the law charges of the country, and required to be voted by that House. There were these two items of fees to counsel and expenses of prosecutions, suits, cases, &c., in the last five years. In 1838 they amounted to 8,542*l.*; in 1839, to 9,581*l.*; in 1840, to 9,428*l.*—and let it be recollected that in 1840 there was a special commission when the Whigs were in office—in 1841, it amounted to 14,227*l.*; in 1842, the law charges then demanded of the House amounted to 22,000*l.*, and no particulars were given. He did not know how the matter had been passed over last year; he believed his hon. Friend, the Member for Montrose (Mr. Hume), was not then a Member of the House. This year they were called upon to vote a sum of 38,000*l.*, of which it was true some particulars were given, but these two items had gradually increased from 8,000*l.* to 14,000*l.* This required explanation, and that which was furnished in the paper ordered by the House, and signed by the solicitor to the Treasury left the House almost as much in the dark as before. The estimate made it appear that the sum that would be required to defray the expenses of the late special commissions would be 15,000*l.*, but it appeared by this paper that, with regard to the special commissions at Lancashire and Cheshire, and Staffordshire, the amount would be 17,500*l.*, showing an increase, as compared with the original estimate, of 2,500*l.* The cost to the country of the Lancashire and Cheshire special commission was 7,013*l.*, and there was included in this an item of fees to solicitors and expenses of witnesses paid on account of 2,000*l.*, so that at the present moment, the House had not got at the bottom of the expense. The judges sat four days each at the Lancashire and Cheshire special commissions, the expense being 7,000*l.* At the Stafford special commission, the judges sat thirteen days, and the charge was 10,519*l.* Now, he would not go into those subjects which this vote might naturally give rise to, but he knew that these enormous charges excited much inquiry—he did not mean to speak of the expenses of the judges, for they were very moderate. But when he found the fees to counsel and clerks at the Staffordshire special commission amounted to 4,091*l.* to counsel and clerks, Lancashire commission, 2,747*l.* and the same Cheshire ditto, 1,733*l.* he thought that some further information should be given in reference to these matters. Besides this, there was a great constitutional question involved in the circumstance that many members of the bar, who were also Members of Parliament, had been employed by the Government in the late special commission. Was it likely—was it possible, that one of these learned Members, who had been so well feed by the Government, should do otherwise than stand up to defend both the conduct of the judge, and the conduct of the Government, when assailed by any hon. Member on that (the opposition) side of the House? Might not the Government, in such a case, recall to their recollection the heavy cheques which they had received from the solicitor of the Treasury? Might they not remind them that they had had their share of the 4,090*l.*? With a view, therefore, of raising the question, and taking the sense of the House upon it, he would move that the present vote should be referred to a select committee.

Sir *G. Clerk* denied, that the fees paid to counsel exceeded the fair and legitimate remuneration to gentlemen of such standing and eminence as those employed on behalf of the Government during the recent trials; nor would he admit, that the number of counsel engaged exceeded that employed on former occasions of a similar nature. On the contrary, he believed that it was smaller than the number engaged some years ago. It must be recollected, that the most eminent members of the profession had been sent down special, and the fees paid them were not more than a fair compensation for their services, and not more than they would have received in the ordinary course of their profession. He denied, that any Member of the bar, possessing a seat in that House, would allow his judgment to be biassed by any considerations with regard to the large amount of fees which he might have received for his exertions in the service of the Government, whatever might be his political opinions, and Members of the bar were surely entitled to hold as strong political opinions as any other Member of the House. The choice of counsel had been made without reference to political sentiments. He was ready to admit, that the expense incurred was considerable: but, then, the length of time which these proceedings occupied, and the great number of witnesses called, must be borne in mind. Taking these circumstances into consideration, he believed, that the expense would be found far from exorbitant. So far from being disposed to encourage excessive law expenses, the Government had been for some time engaged in effecting reductions in this branch of expenditure, and in the case of Ireland had effected a saving of one-third, besides discontinuing the services of the solicitor to the Home Department, by which 1,500*l.* a year was saved to the public; and the discontinuance of a solicitor to the Treasury, by which a further saving was effected of 1,000*l.* a year. By these and other means, a reduction would be made to the extent of 4,500*l.* (as we understood.)

Mr. *F. T. Baring* referred to the statement of law expenses which had been laid before the House, and wished to know how it was that the average amount of fees paid to counsel, had been incorrectly stated; that whereas the estimate of the expense of these special commissions was stated at 15,000*l.*, the explanation given to the House of the manner in which that sum had been expended, disclosed an expenditure of 17,500*l.*, and that afterwards they were told that in reality the expense of the special commissions was 22,000*l.*

Sir *G. Clerk* quoted from the estimates for the last three years the exact sums expended for law expenses, upon which the average amount had been calculated in order to satisfy the right hon. Gentleman that that average was correct.

Vote agreed to.

FEES OF CLERKS OF ASSIZE.] Mr. *Escott* moved for a return of all fees taken or demanded from defendants by clerks of assize and clerks of the peace in the several counties of England and Wales at the last two assizes and the four last sessions of the peace, as well as at any special commissions held within the last or present year. He had, shortly before the Easter recess, called the attention of the right hon. Baronet the Secretary of State for the Home Department to the practice which very generally prevailed of clerks of assize, and clerks of the peace at quarter sessions, taking certain fees, when they could get them, from defendants in cases of misdemeanour,—not only clerks of the peace, but the officers of the highest courts of judicature in the country. The clerks of assize were in the habit of demanding large fees from defendants in cases of misdemeanour before they could be placed upon their trial, and before their guilt or innocence could be determined by a jury. A return was ordered some time since with reference to this subject, on the motion of the hon. and learned Member for Bath; and he found, from that return, that on the Oxford circuit fees amounting to 7*l.* 16*s.* 8*d.* were received by the clerks of assize from persons charged with misdemeanours before they could plead; and this was not the maximum amount, for it might be increased by the length of the indictment. The total amount of these fees received by the clerks of assize on that circuit in five years was 712*l.* 18*s.* 4*d.* No maximum was stated with respect to the Western circuit; but in a very recent case the sum demanded from a defendant, before her plea could be recorded, and she could take her trial, which terminated in a verdict of acquittal after only two witnesses had been examined—was 9*l.* 11*s.* On the Northern circuit, the clerk of assize stated that the maximum amount he received, supposing the legal measures were taken of which the defendant might avail himself for postponing the trial, was no less than 20*l.* 8*s.* 8*d.* He thought that these statements would induce the House not only to agree to the motion which he now proposed, but to pronounce an unanimous opinion as to the impropriety of these charges. The general principle of law with regard to such charges was, that no charge was legal unless it was expressly authorised and sanctioned by act of Parliament, or unless in the absence of such authority the party making the demand had a clear prescriptive right to do so. Certainly the charges to which he now called the attention of the House were not authorised by act of Parliament, and he would undertake to say that no prescription, no usage, could sanction such gross injustice. It might be asked how this practice had arisen? He could not answer that question, he could only say that the practice did exist. He believed that it had been carried on with some degree of secrecy; that the clerks of assize had made these charges without its being generally known that they were made, and that the defendants, being frequently persons ignorant of such matters, had paid them without inquiry. The law was express upon this point, for it denounced most explicitly the imposition of such charges upon defendants. It was, indeed, a highly criminal offence to make such demands, for the parties who preferred them were guilty of extortion. Suppose the defendant refused to pay the demands made for recording his plea, the officer of the court said, "If you do not make the payment I will not record your plea, and if it is not recorded you will have failed to fulfil the terms of your recognizance, which requires you to appear and plead, and it will be forfeited." He had consulted his hon. Friends the Attorney and Solicitor general on this subject, and they agreed with him in the opinion that these fees were illegal, and that they ought to be abolished. He hoped, therefore, that the House would agree to his motion, and he had no doubt that a simple expression of its detestation of the practice would have the effect of preventing its continuance.

Sir *J. Graham* said, that he was reluctant to express any decided opinion on a law question without consulting the Law officers of the Crown; but his hon. Friend had stated that he had received their sanction to his motion. On a former occasion a question had been put to him with respect to some fees exacted by the clerks of assize in Somersetshire. He had since ascertained that the standard of fees ought to be fixed and signed by two Judges of assize, and that the fees complained of in that instance were no longer exacted. By the 5th George 3d., it was distinctly enacted that no fees should be demanded from defendants, and—but for the positive statement of his hon. and learned Friend—he could scarcely have credited the accounts stated by him. There was an exception, however, in the case of a traverse—where certain fees were allowed. If the abuse existed in the manner described, it should certainly be put an end to, and the returns were of a very proper nature to decide this question. He, therefore, willingly supported the motion.

Lord *Worsley* thought it extraordinary that these fees should be demanded, but he was not surprised that the parties should pay them, because they could not help themselves. The existence of this practice was only a proof that the clerks of assize and of magistrates should be paid by fixed salaries and not by fees.

Mr. *R. Scott* conceived the case alluded to by the hon. Member constituted a gross infringement on the liberty of the subject. They showed that parties were punished before they were convicted.

Mr. *Escott* said, that on looking over the returns he had received, he found that one poor unfortunate individual was charged a fee not only for his acquittal, but also for his discharge.

Motion agreed to. House adjourned at a quarter past eleven o'clock.

HOUSE OF LORDS,

Tuesday, May 2, 1843.

MINUTES.] BILLS. *Public.*—1ª· Exchequer Bills.
Private.—1ª· Lord Gray's Estate.
2ª· London Cemetery; St. Helen's Water Works; Cromford and High Peak Railway; Hawkin's Estate.
Reported.—Great Gransden Inclosure.
3ª· and passed:—Charlwood Inclosure; Birkenhead Cemetery; Balfour's Estate.
PETITIONS PRESENTED. By the Duke of Argyll, from Roseneath, for settling the Scotch Church Question.—By the Marquess of Lansdowne, from South Shields, against any measure which should place Education into the hands of the Established Church.—By the Earl of Galloway, from St. Andrew's, for placing Schoolmasters in Scotland upon a better footing. — From a number of places, for Church Extension.—From Bath, for Inquiry into the course of Instruction pursued at Maynooth College.

CHURCH OF SCOTLAND.] The Duke of *Argyll* presented a petition from the Presbytery of Dumbarton, praying that some measure should be adopted for putting an end to the division which now existed in the Church of Scotland, and the continuance of which was likely to be productive of the greatest evils, without interfering with the acknowledged spiritual rights of the Church.

The Marquess of *Breadalbane* said, he was deeply impressed with the great importance of the subject to which the petition that had been just presented by his noble Friend had reference. In his opinion the most irreparable mischief would result if this question were not amicably settled, if some concession were not made to the Church of Scotland with respect to those privileges which he conceived were justly demanded, and to which the Church of Scotland was entitled by the constitution of the country; although by the judgments of the law courts the rights of the Church were invaded and their claims declared not to be valid, yet by the constitution of the country a large body of the ministers of the Scotch Church conceived that they had a right to the privileges which they claimed. Therefore, he felt it to be a paramount duty to state to the House his earnest conviction that if some fitting concession were not made before the meeting of the General Assembly, a very large secession from the Established Church of Scotland would take place; not merely a secession of ministers, but of the Scotch population in general—a secession to the extent of 80 per cent. The number of ministers who would go out from the Establishment, if concession were not made, would not be less than 500, and amongst whom were to be found some of the most enlightened, the most pious, and the most zealous members of the Church of Scotland.

Lord *Brougham* said, he had not intended to offer a single observation on this occasion, but he begged leave to express the utmost astonishment when he heard a Friend of the Constitution of this country—when he heard one so well known as a Friend of constitutional principles —as was his noble Friend behind him, get up in his place and state in Parliament that that which was declared to be law by the courts, and which in that House, the tribunal of last resort, was after the fullest and most attentive deliberation declared to be the law, was wrong,—that, notwithstanding such decision, there was something above the law, something contrary to the law thus laid down; and what was that? Why, it was the constitution of this country. So that they had now heard, for the first time, of two things being set in opposition to each other that were usually supposed to be one and the same,—namely, the law of the land, and the constitution. To that party with which his noble Friend acted, with reference to this question in their Lordships' House, in which were men very respectable in name, but very moderate in number, he would leave it to reconcile this most extraordinary proposition.

The Marquess of *Breadalbane* said, that he felt as great respect for the judgment of the courts of law as his noble and learned Friend could possibly feel; but, when they all knew that the interpretations of the courts of law on this subject had been various—when they were found to decide one way in one case, and another in another case—some doubt might be entertained as to the correctness of their decision. It was notorious that on this subject various decisions were given; and he would challenge his noble Friend, and would prove to him at the Bar, that decisions were given by the Court of Session, with respect to spiritual and civil matters connected with the Church, that were different from each other. He understood what was meant by the law, by the constitutional law of the country; but the Act of Union and the whole history of the Church of Scotland proved, that she had a constitution within herself for the management and control of her spiritual affairs, and the rights which she claimed under it had, he contended, been invaded.

Lord *Brougham* said, he was ready to accept the challenge of his noble Friend. Why, that same challenge had been given by the appeal of the General Assembly to their Lordships' House against the decision of the Court of Session; and, day by day, it had been attempted, at their Lordships' Bar, to prove that former decisions had been in favour of the appellants. But the attempt was a complete failure—complete in every point and case. It was because their Lordships found, upon examination, that the former decisions were in conformity with the one appealed against, that they confirmed that decision, and dismissed the appeal. Their Lordships had thus declared the law to be against the claims of the Church; and was it now to be said, that the Church had within herself a law and a constitution which was to act and have authority against the law of the land, thus solemnly laid down? Why, his noble Friend might as well summon his tenants at Taymouth Castle, and lay down a law with reference either to the land or the tenants, or to both, as against another body and declare that the law of Taymouth was to be superior to the law of the land *quoad* Taymouth. His noble Friend might as well argue thus as insist, that the Church had a constitution within herself, and a law for herself, superior to the law of the land. He hoped that he should never hear of any person advocating such a constitution or such a law.

Lord *Cottenham* said, that, in the case of appeal which had been prosecuted, their Lordships had no difficulty in deciding what the law was. Their Lordships had examined all the cases that bore upon the question; and, on reference to them, there seemed to be no difficulty in declaring what the law really was. If there were other cases of which the House was ignorant, he should like to be informed of them.

The Earl of *Aberdeen* was afraid, if he had not been able to give his noble Friend (the Marquess of Breadalbane) satisfaction by what had already taken place on this subject, that it would be out of his power to afford him satisfaction now. He had on a former occasion made, as he conceived, a statement which embraced as much concession as his noble Friend could fairly desire or expect. He spoke then, not as an individual, but as representing the sentiments of her Majesty's Government; and if his noble Friend was not satisfied on that occasion with the amount of concession which he then offered and proclaimed, and which her Majesty's Government was ready, when the proper time arrived, to embody in a legislative measure, he certainly despaired of giving his noble Friend any satisfaction. He was not disposed to enter into the various important matters that had been opened by his noble Friend on this question; but he desired, and he should be happy again to state—and to state more explicitly, if necessary—the opinion of her Majesty's Government on the subject. At present, however, on the mere presentation of a petition, and with other important business before the House, he thought it would be improper to take up their Lordships' time by entering further into the subject.

Lord *Campbell* approved of what had fallen from the noble Earl, but was inclined to think that he had conceded rather too much. He should not be discharging his duty if he did not concur in the protest against the doctrine of the noble Marquess behind him with respect to the distinction between the decision of a court of law and the constitution of Great Britain. A decision of a court of law was either right or wrong—right if according to law, wrong if contrary to law; but it could not be according to law, and yet contrary to the constitution. The Executive might act objectionably; but it was impossible that a court of law, proceeding according to law, could decide contrary to the constitution.

The Marquess of *Breadalbane* said, that under the constitution, as guaranteed by the Act of Union, and recognized by various statutes, the Church of Scotland had her own ecclesiastical courts to regulate her spiritual concerns. Now, he contended, that her lawful jurisdiction as to spiritual matters had been invaded by the courts of law. This, he would say, was highly unconstitutional. The spiritual courts of the Presbyterian Kirk were as much part of the constitution as any court of judicature in the country.

Petition laid on the Table.

NEGOTIATION WITH PORTUGAL.] The Marquess of *Lansdowne* said, he would take that opportunity to ask his noble Friend at the head of the Foreign Department a question with reference to a negotiation for a commercial treaty between this country and Portugal. It was notorious that for some time past, negotiations for the formation of a commercial treaty between this country and Portugal had been in progress, and it was no less notorious that, to a certain extent, those negotations had failed. He would not inquire into the causes of that failure; but his noble Friend must be aware that very great anxiety existed amongst a most important portion of the mercantile body as to the present state of those negotiations. They were not able to ascertain whether those negotiations were completely at an end or not: and it was most important that they should have accurate information on the subject, in order to determine what steps they ought to take in the conduct of their commercial affairs. He, therefore, put the question to his noble Friend.

The Earl of *Aberdeen*, in answer to the question of his noble Friend, had to state, that for some time past, negotiations had been going on between this country and Portugal, not for the formation of a commercial treaty, for a commercial treaty had been signed last November, but in compliance with an article of that treaty, by which it was agreed that the contracting parties should proceed to a mutual revision of their respective tariffs. Those negotiations were at an end. It was true, that in the official document the terms made us of by the Portuguese government might lead to the idea that the negotiations had been merely interrupted. But our minister at Lisbon had received the *ultimatum* of the British Government with directions to communicate it to the Portuguese government; and to state, that if it were not accepted, the negotiations were to be considered at an end. That *ultimatum* was so communicated to the Portuguese government; it was not accepted; and it was then stated by our ambassador that the negotiation was at an end. This explanation, he hoped, would suffice. It would not be proper for him to say more on the subject.

TOWNSHEND PEERAGE.] Lord *Brougham* moved the Order of the Day for the second reading of the Townshend Peerage Bill,

Lord *Cottenham* rose, pursuant to the notice which he had given, to state to their Lordships the grounds on which it appeared to him that they ought not to entertain the measure proposed by this bill. It was hardly necessary for him to say that he knew nothing of the parties who were interested in the measure. His objection to the bill was, in the first place, that it was a perfectly novel proceeding —that, after investigations before two select committees of the House, nothing at all resembling it had been found—that it was contrary to the principles which guided the administration of the law in this country, and that it would be impossible to carry its provisions into effect with justice to all those who might afterwards be interested in the proceedings. The facts, as alleged in the bill, were these:—That a noble Marquess, a Member of their Lordships' House, had been married at a certain time—that, after the expiration of a short period, the wife of that noble Marquess left his house, and that she had been since cohabiting with another man—and that certain children had been born during that cohabitation, who, in consequence of the impossibility of access on the part of the husband, ought to be considered as bastards. There never had been any bill before the House to dissolve the marriage. The marriage, therefore, according to the proposition in this bill, was to continue. There might or might not be children born hereafter, for it did not appear from anything the House knew that the noble Marquess or his wife were of an age which rendered the birth of children improbable. He, therefore, said that in contemplation of law there might be subsequent children born of this marriage. Such children, though this act passed into law, would be legitimate. When the matter was first brought under the consideration of the House by a petition, it was referred to a select committee. That select committee made a report which stated the investigation which had taken place, and stated also three cases as precedents; but those cases, on examination, he was convinced, would be found to bear no resemblance whatever to the case now before the House, The first case stated was that of a person who, in 1672, represented himself to be the Earl of Northumberland, and a petition was presented to the House by the Countess Dowager of Northumberland on behalf of herself and

Lady Elizabeth Percy, alleging the fact of the individual having so represented himself to be Earl of Northumberland. That petition was referred to a committee, and so far the cases might be somewhat similar, but they ceased to be similar from that moment; for the party being called on to state his claim, he became a claimant to the peerage, and the proceedings were afterwards carried on in the regular course. Now, it must be remembered that inquiries of this kind were directed by the Crown, for the Crown was not bound to consult the House in such cases. In this very case to which he was referring, it was moved in the House, "that his Majesty might be moved that the House might hear the question of title," and permission was accordingly given to the House to hear and determine it. The party presented his claim, and the House being of opinion that he failed in making it out, it was dismissed. The party, however, was not satisfied with the decision of the House, and he refused to acquiesce in it; and, accordingly, another petition was presented by Charles Duke of Somerset, complaining that this person still assumed the title of Earl of Northumberland. He was again called on to say what he could for himself, and failing, as he had done previously, their Lordships were extremely indignant at the presumption of the man, and they agreed to the following order—an order which he (Lord Cottenham) thought the House would not be very willing to repeat in the present times:—

> "That the petition of James Percy, the claimant, be dismissed the House, and that James Percy be brought before the four courts in Westminster Hall, wearing on a paper on his breast these words—The foolish and impudent pretender to the Earldom of Northumberland."

It would readily be admitted that that case bore no analogy to the case now before their Lordships. The next case mentioned in the report was, that of a person who claimed to be a Scotch Peer; and the third was the Act "to dissolve the marriage between the Earl of Macclesfield and Anne, his wife," in the 10th year of George 3rd. These cases were neither of them at all similar to the present. The last was nothing more nor less than an ordinary bill of divorce, containing clauses bastardizing the issue. That Act was passed with those clauses, but there were no modern instances in which such clauses had been inserted in bills of divorce. There was another case in which a naval officer had been away for a long time, and his wife had a child born at a time when it was impossible that he could be its father. In that case the Act passed, declaring that child illegitimate, but since then there had been no other instance, and the reason given was this:—On this point he must refer their Lordships to a work of great value which had recently appeared—he meant Mr. M'Queen's "Practice of the House of Lords in Divorce Cases." The reason was, that there was no party to represent the issue. The contest was between the husband and wife. The husband asked to be divorced from his wife, but who represented the interests of the issue. They were the parties almost wholly interested in the clauses declaring them illegitimate; and yet they were not represented. It might be said that these supposed illegitimate children were parties to these proceedings, but how could it be known who would be interested in these proceedings after the death of the present peer? It was proposed by the present bill to enact—

> "That the several children of the said Sarah Gardener Marchioness Townshend shall be taken and adjudged for all intents and purposes to be illegitimate from their birth, and shall not be taken to be the lawful issue of George Ferrars Marquess Townshend."

The enactment, therefore, not only concerned the title, but all other questions which might be connected with legitimacy. It might be said, that it was the duty of the House to take care to prevent the introduction into the House of a person not legally entitled. But that was not the object of the bill, which was to declare these children illegitimate for all purposes whatsoever. It was true that we had not, in this country, the benefit of a law which existed in Scotland, and which enabled persons in cases which depended on evidence which might be lost, to take a proceeding which would enable them to have a declaration of their rights; but another system had been pursued in this country which had been found in a great measure to answer the same purpose. He meant a proceeding in the Court of Chancery by which parties who wished to preserve the evidence of living witnesses to be used hereafter, when the occasion might arise, were permitted to examine them, with all the imperfections to which he would admit an examination on paper was open. The result, however, was, that what the witnesses deposed to was put upon record, to be used hereafter when the occasion might arise. This proceeding was called a "bill to perpetuate testimony." A great difficulty, however, had been experienced to afford relief in Peerage cases by a bill to perpetuate testimony. Lord Eldon found this difficulty to exist. The Crown was a party interested in a Peerage case, and thought they might bind the interests of the two parties, yet they could not bind the Crown, and the objection might be taken when the time arrived that the Crown had been absent when the examination was taken. Accordingly, he last year prepared a bill to remove this objection, and he proposed that the Attorney-general should be made a party to such a suit to represent the interests of the Crown, and that the depositions so taken should be receivable in questions of Peerages, as in other questions relative to property. The Lord Chief Baron (Lord Abinger), on the other hand, was of opinion that the object might be better attained by a *viva voce* examination. These proposals were then sent to a select committee, and that committee came to the conclusion at which he had arrived, that the best means of perpetuating evidence was that adopted in the Court of Chancery. Now, the rule applicable to the perpetuation or preservation of evidence in other cases was equally applicable to the Peerage and he could not understand how there could be any distinction between the perpetuation or preservation of evidence in reference to property and in reference to titles to honours. If their Lordships were to pass this bill, what would be the consequence? Why they would be declaring those children illegitimate before the subject on which the question arose was opened, and this he contended, would be depriving those parties of advantages which all others possessed by the law of the land. What came nearest to the present case were divorce bills, and it was an established rule of Parliament that divorce bills were never entertained until the material fact in such cases had been established and adjudicated on in the Ecclesiastical Court. This rule was observed even in Scotch marriages, and inasmuch as the law of that country was adequate to afford a remedy in cases of dissolution of marriages, Parliament had never interfered. If such were then the case, he asked whether their Lordships would now take a course that was not only perfectly new but unprecedented? Such a proceeding was unknown to the law of this country, and the only ground on which a divorce bill was entertained by Parliament was because the parties had no other remedy. Their Lordships might remember the case of Miss Turner, which occurred some years ago, and he doubted, whether, in that case, the right course had been pursued. In that case there was something calculated strongly to excite the feelings, as a most gross and violent outrage had been committed; but the House was most unwilling to take the case out of the ordinary courts, and resort to a legislative enactment. He knew that many noble Lords, and more especially Lord Eldon, entertained a strong opinion against passing a special act of Parliament on the subject; but when the House heard the evidence given at the bar, such was the feeling of indignation that prevailed at the perpetration of such a gross outrage, that no opposition was offered to the bill. If the facts of the present case were such as had been stated, it certainly was of a very gross nature, and no one could be more unwilling than himself to throw any impediment in the way of justice, but he thought that that could be obtained by other less objectionable modes than those provided in this bill. He had no wish in the matter but that a proper and regular course of proceeding should be adopted, and that the House should avoid making a dangerous precedent, and he had only felt it to be his duty to call the attention of the House to the proposed departure from the usual course, and to point out some of the evils that might arise from it. Under these circumstances he should move that the order for the second reading of this bill be discharged.

Lord *Brougham* admitted that his noble and learned Friend had made a very lucid statement as to the nature of this bill; but if his noble and learned Friend had looked to the facts of the case, he did not think, that his noble Friend would have arrived at his present conclusion. He had little doubt in his mind, that he could satisfy the House that both justice and the proceedings of that House rendered it necessary that they should depart from their usual course and adopt the remedy now before the House. He could conceive a case in which it would be just to deny such an exception as the present in a question of property, but where it would be proper to grant it in a case where a question of peerage and honour was involved. As for the argument that if they granted this remedy in a case of peerage, they could not refuse it in any other case when application was made, he would suggest, that this could be met by confining the bill to the question of honours. His noble and learned Friend had complained, that females were included within the operation of this bill, and, therefore, that it involved questions of property as well as the peerage. Now, it so happened, that there were two old baronies annexed to the marquesate of Townshend, and which were involved in this question, for they could be inherited by females—he alluded to the baronies of Compton and Ferrers of Chartley. A part of the object of his noble and learned Friend appeared to be to prevent the mischief which he supposed would result from the examination of witnesses at the Bar. His noble Friend, however, he thought, was too late in raising this objection. The mischief had resulted, in his opinion, if mischief there was, from the presentation of the petition—from the presentation of the bill—from the allegations in support of the bill, standing on the face of the journals of the House; and he protested, that if he were the person complained of, he had rather that the examination of the witnesses should be proceeded with than that the allegations of his own illegitimacy and of the adultery of his parent, should remain without inquiry. But then it was said, that the House would not interpose to afford the remedy which was demanded, because Parliament would never interfere where another remedy existed. This, however, was an error, for Parliament would interfere to prevent delay, to curtail expenses, when they appeared to be excessive, as well as to give the same remedies which could elsewhere be obtained, and to give those remedies more amply than they could be elsewhere procured. The power of Parliament was not limited, as it appeared to be supposed to be, but by a predecessor of the noble and learned Lord (Lord Cottenham), of his own, and of the noble and learned Lord now on the Woolsack, its jurisdiction was declared to be most extensive, and to be equal to any emergency. Lord Coke declared the power of Parliament to be to enable parties to succeed to an estate vested in their ancestor, during the life of that ancestor, although he should not be attainted, and even to bastardise the offspring of a woman born in wedlock, although the husband and mother should be within the four seas encompassing this island. The efficacy of an act of last Session, for perpetuating testimony, had been adverted to, and it was said that Lord C. Townshend might place his evidence on the records of the Court of Chancery. The evidence so recorded, it was true, would have the force of legal testimony, and it possessed the advantage that it was taken, unimpeached by cross-examination or contradiction. But in such a case as this, the value of such a record was as nothing, for by the same process which Lord C. Townshend would have to employ, the very person whose claim he sought to bar, might put upon the same records their evidence equally unquestioned, in support of their case. Then granting, for the sake of argument, that if there was a remedy, Parliament ought not to interfere; here he contended was the only remedy which presented itself, and this was a remedy worse than the disease. In the case of Miss Turner, there was another remedy, yet Parliament unanimously and readily passed the bill for declaring her marriage of no effect. There the remedy was before the Commissary Court of Edinburgh, the marriage having taken place in Scotland, and yet the application to Parliament was adopted and sanctioned. He believed, that the circumstances of this case were just as novel—just as flagrant as those by which that remarkable case was surrounded, and this was an authority, therefore, in favour of the present measure. Allusion had been made to the Scottish action, which was called a declarator; and he and his noble and learned Predecessor on the Woolsack, had often lamented that such a mode of proceeding, formed no part of the law of England. This was an action which did not prevail in England; and, therefore, Lord C. Townshend could not avail himself of it; it prevailed in Scotland, and was, therefore, sanctioned in principle by the law of a part of this empire; and this was a circumstance which, in his opinion, sanctioned the interposition of Parliament in the present instance. If this were the case of a Scotch peerage, there would be no difficulty whatever; because it was an English peerage the difficulty arose, and, therefore, Parliament ought to interfere. He had said sufficient, he thought, to induce their Lordships to allow this bill to pass the present stage; for he thought that their Lordships should be quite sure that they were right before they determined to withhold from the applicant party the power to go into his case. The examination of witnesses which was proposed to be had might be material; circumstances might present themselves which would leave their Lordships no possibility of doubting what course they should take. The circumstance that a few months after Lady Townshend had ceased to cohabit with her husband she had prosecuted a suit in the Ecclesiastical Court for a divorce, on the ground of impotency, ought not to be lost sight of; and with such a fact before their eyes, surely if ever there was a case for interference, it was this. If their Lordships refused the remedy which was asked in this case, they must refuse it in every other; and they would hold out the temptation of impunity to all persons who chose to be parties to a conspiracy so shameless and audacious, for the purpose of defrauding the heir, and of palming a spurious offspring on any noble house and on the country. With regard to all future cases which might arise, there was this observation to be made, that each case must necessarily depend on its own peculiar merits and circumstances. For the honour and dignity, as well as for the sake of the privileges of their Lordships' House, therefore, he called upon them to allow this bill to proceed, and to go into evidence, reserving, if they pleased, all the questions of law which had been referred to for future discussion. For the sake of all parties, he desired that evidence should be gone into; for it was a mistake to suppose that the evidence would be confined to one side of the question. It would be competent for the presumed Lord Leicester to establish his legitimacy, if he could. Considering, therefore, the interests of both parties—for the sake of justice as well as for the sake of the privileges of their Lordships' House—he asked their Lordships to give this bill a second reading.

The Earl of *Devon* felt much difficulty in rising to state his objections to this bill; but confessed that he had been unable to find, in the speech of the noble and learned Lord who had last spoken, any answer to the arguments of his noble and learned Friend who had preceded him. What were the peculiar features of this case? There was a statement that there had been adultery, and there was an offer to prove it, and upon this it was proposed to call in the supreme power of Parliament, confining it, however, to questions of peerage. He could not agree that they ought to confine the interposition to cases of peerage; if they adopted it at all they ought to extend it to cases of property. The case of Turner and Wakefield had been referred to in support of this measure. He (the Earl of Devon) had not then the honour of being a Member of the House, but he had opportunities of knowing the opinion of Members of the legal profession, and though that measure was passed unanimously in the House it did not carry with it the opinions or the feelings of the greatest lawyer of the day (the Earl of Eldon). He must enter his protest against the bill; if they passed it they would be entering upon a dangerous career. He did not know where they would stop, and they would lay down a precedent which in future ages would greatly embarrass the House.

Lord *Denman* was as much opposed as his noble and learned Friend to any encroachments on the constitution, and to a certain degree he (Lord Denman) was bound by his situation to oppose to his utmost any such encroachments, and would be proud to find himself always by the side of his noble and learned Friend in protecting the constitution from invasion. Excepted cases there must always be, and it is wholesome to show, that where the law is inefficient to defeat injustice, a remedy may be applied by the power of Parliament. Such exceptions however, are neither of rare occurrence, nor have they often originated in reasons of so urgent a nature as those now disclosed. He believed, that no acts were more useful or more satisfactory to the public. Many important laws had their execution entrusted to informers, by the temptation of penalties inflicted for transgressing them. Yet when these appointed agents of the law had taken measures to enforce it vindictively or oppressively, Parliament had stepped in and stopped the proceedings. When a persecution of the clergy had been commenced to recover penalties for non-residence—a most important object—Parliament had interfered to prevent the law being carried into effect. In the course of the present Session, a like act was passed with respect to the vend of coals. The same thing had been done also when actions were brought against newspaper printers for penalties incurred by non-compliance with a law, which was yet deemed of public advntage, and could be no otherwise made effectual than by those very actions. Only two or three years ago, an act was passed to alter the existing rights of parties to civil contracts in a still more remarkable manner. There was a law to vitiate certain contracts with persons in holy orders; its result was to relieve whole companies from liability for their debts, because a clergyman happened to be a shareholder. Here was a strictly legal right, which the courts were compelled to acknowledge; but Parliament stayed the actions founded upon it, though such actions were the only means provided by Parliament itself for putting its own enactments in force. Does any one blame this interposition? For my own part, I always thought it went not far enough, for when it took from the plaintiffs, who thus abused the law, their right to the penalties; it ought also to have taken from those jobbing plunderers the costs actually incurred by the parties assailed. These he mentioned as examples of a much more violent proceeding than that which is now proposed. The divorce bills, constantly passing through both Houses, are more directly in point, and indeed answer every argument now put forward. He frankly owned, that when he first read the petition, he had felt that, if the allegations were true, it was absolutely necessary that Parliament should interfere, and prevent this monstrous scandal from succeeding. Assuming the facts to be true, it appeared to him that it was just for Parliament not to permit the continuance of an abuse which was disgraceful to a civilized country, and that if they did not interfere, it would be looked upon as an encouragement to conspiracies of this description. With that persuasion he had attended the committee last year, when he suggested the adoption of an act of Parliament, to which, however, the committee did not agree. If such an act passed, let them see the number of securities which were provided against abuse, and against unnecessary or wanton attempts to bring these subjects before the country. In the first place, a noble Lord must present a petition, and he would not present it without strong reasons to believe that the allegations were true. In the second place, the House would not refer that petition to a committee, unless they saw a strong probability of its truth; and then the committee would not report on the case recommending a bill, unless they were convinced that this was the proper subject for a measure. If the committee last year had rejected his proposal, they had the authority of the committee this year in favour of an act being brought in. If the measure of his noble and learned Friend, (Lord Cottenham), which was passed last year, had provided an effectual remedy for this case, it would be rash and idle to proceed with this bill; but with regard to evidence perpetuated by bills in the Court of Chancery, if it came before a jury, or one of the courts of Westminster-hall, could it be expected to have much weight? It was written testimony, it was *ex parte*, it was not open to cross-examination, and was, in fact, of the least possible worth. The question appeared to be simply whether this great, and monstrous, and preposterous, and shameful grievance, should be tolerated, or whether Parliament should provide a remedy, after hearing all the evidence, and in the presence of all the parties, adopting all the means by which the truth could be properly ascertained. The bill in the case of Turner and Wakefield had passed, notwithstanding the warning voice of Lord Eldon, great authority as he was in the House, and he trusted that this bill would pass, notwithstanding the warning voice of his noble and learned Friend. All he had since heard only tended to confirm his first impression, that an act of Parliament for this special purpose would be better than the perpetuation of a shameful abuse, which would be made successful and triumphant if this bill were not passed.

The Earl of *Wicklow* said, if the House were to reject the bill he thought that this was the proper stage. The petitioner having for a long period of years suffered the question to remain in its present state, their Lordships ought to hesitate to take the strong measure which was now proposed, The argument of the noble and learned Lord (Lord Cottenham) was so convincing that if he divided the House he (the Earl of Wicklow) would vote with him. It appeared to him that this was more of a judicial than a legislative question, and as a judge, from a feeling of justice and for the sake of the public, he felt bound to give his vote and his opposition in conformity with the opinion of the noble and learned Lord.

Lord *Campbell* thought that this bill ought to proceed. The question was, was there a grievance? and if there was, could it be remedied by the law as it stood? What was the allegation? That there was at the present moment sitting in the House of Commons, under the title of the Earl of Leicester, and as the eldest son of the Marquess Townshend, an adulterous bastard, and there were brothers and sisters who were claiming to the title and privileges which belonged to the legitimate children of the Marquess of Townshend—if the person who claimed to be Earl of Leicester chose to do so, he had the right to stand at the foot of the Throne during a division of that House, and even when the Queen was present, and he was in possession of all the privileges of the eldest son of a Marquess. This was not only annoying to the family, but it was prejudicial to the public. What would foreign nations think if such an open insult to decency and justice were allowed to continue? The next thing would be, that upon the death of the Marquess Townshend, this individual would be introduced as his successor. Since this controversy had commenced, several of the witnesses had died, and among them a material witness named Ridgway, and others might be sent out of the country or might otherwise be disposed of, so that in the course of ten years it might be impossible to prove what could now be satisfactorily established; and thus permanent injury would be inflicted on the family, on the House, and upon the institutions of the country. What then was the remedy for this grievance? Their Lordships would not now order the individual to walk through Westminster-hall with a board declaring that he was a false and impudent pretender. But it was said, that the promoter of this bill might go to the Court of Chancery to perpetuate evidence. It was necessary, however, to prevent the pretended son of the Marquess from sitting in the House of Commons as Earl of Leicester, or to appear at the foot of the Throne in that House on a prorogation, or on a division. How would the suit prevent this? And at the best, could they compare a suit to perpetuate evidence, to evidence at their Lordships' bar, where there was examination and cross-examination, and the witnesses presented to the judges? Was there a comparison between the two modes of determining whether Mr. Margetts was the son of the Marquess Townshend? Would there be any injury done by this bill? This person claimed to exercise the right of the eldest son of the Marquess Townshend. It was a question as to a civil right, which the House ought to determine. Nor would it form any dangerous precedent. Till another case occurs of a wife eloping from her husband's house, of her going to Scotland to be married and living with another man, till the children born of that cohabitation bear the name of that other man, and are all treated as his offspring—till a case occurs when the husband and wife have not approached each other for many years, so that it is impossible that he could be the father of the children—till such a case should occur, this bill would not be a precedent, and when such a case again occurred he hoped that this precedent would be followed. Nor was this bill wholly without precedent, as his noble and learned Friend said. In the Banbury case, a bill was introduced to bastardise Nicholas Earl of Banbury. In 1661, Lord Northampton introduced a bill to declare that person illegitimate to all intents and purposes. The bill was read a first time, but it was afterwards dropped. [Lord *Brougham:* At that time his father was dead.] His father had died in 1632. He claimed his right to sit in the House, and on a reference to a committee, the committee adopted the doctrine of the parents being *infra quatuor maria.* The House, however, would not confirm the report of the committee, and the bill was introduced to declare illegitimate the person called Nicholas, Earl of Banbury. The father being dead, there was a regular mode of instantly deciding the question; but otherwise there seems to be no doubt that the bill would have been proceeded with and carried. Nor had their Lordships in other cases, omitted to decide these questions. In a recent case of Hamilton *v.* Hamilton, from Scotland, on which a peerage depended, the Lord Ordinary had declared two of the children illegitimate. That decision had been reversed by the Court of Session, which held them to be legitimate, and the House of Lords affirmed the decision of the Court of Session. Was not that case analogous to the present? He believed that this had proved a satisfactory mode of bringing the question forward.

Lord *Brougham:* If the witness, whose evidence was decisive, had been dead, the question could not have been properly tried at all.

Lord *Campbell:* It appeared to him that, by this course, no hardship was imposed upon the parties. Assuming that they could make out their legitimacy, they might do so better now, when the full evidence could be obtained. The bill would afford a remedy to the Townshend family; it would give redress to the public; it would do no injury to any one; and he was humbly of opinion that the bill ought to proceed.

The *Lord Chancellor* was also of opinion that the bill ought to proceed. He considered this an extreme case. For the sake of argument, they must assume the facts to be true; and if they were true they not only produced injury to the public, and a wrong of a scandalous description, but were an invasion of their Lordship's privileges, and the privileges of Parliament. There was an existing evil, for which there was no remedy; there was a present wrong; there was one individual who called himself the eldest son of a noble marquess, and heir male to a peerage, who had qualified in the House of Commons under that title, and who, on the authority of that title, had the right to stand at the foot of the Throne in the presence of her Majesty. Was there any court of justice which could give redress for such a wrong? And, after the rule adopted in cases of divorce, ought they not to agree to this bill? Of the bill of his noble and learned Friend (Lord Cottenham) he highly approved; but that only declared that the power of perpetuating evidence should extend to cases of peerage. It afforded no present remedy for the existing wrong, and on that ground he was of opinion that this bill ought to proceed. This was the rule adopted in other cases, and here he alluded particularly to the bill for the disfranchisement of the borough of Sudbury, in which place there had been misconduct for which there was no remedy in a court of justice; so they were obliged to proceed by bill, and the interposition of Parliament was called in. The House would examine witnesses; and if the case were not made out with the utmost clearness and to the entire satisfaction of their Lordships, the bill ought not to pass.

Lord *Cottenham* replied: He had felt it necessary to state his objections to this bill; and he would not now detain their Lordships, except to put one or two points right. The Lord Chief Justice had stated that a bill had been recommended by the committee of this year; but there was no such recommendation. He had himself opposed it; and all the report stated was, that there was no remedy except by bill, and that if there was a bill it should be a private one; it did not recommend a bill. And, with regard to his own bill, he did not consider that it had all the consequences which his noble and learned Friend attributed to it; the only affect of that bill was to remove a technical defect, which applied the remedy in cases of peerage. If the House entertained this bill they could not refuse like bills where property was concerned.

Lord *Brougham* said, it had been asked why the bill had been so long delayed? It was not till the death of the witnesses one by one had alarmed the parties, that it was thought necessary to take active steps. In reference, also, to the opinion of Lord Eldon, in the case of Turner *v.* Wakefield, so far from opposing the bill Lord Eldon had argued in its favour.

Amendment negatived. Second reading adjourned.

Evidence in support of the bill to be heard at the Bar.

Their Lordships adjourned at half-past eight.

HOUSE OF COMMONS,

Tuesday, May 2, 1843.

MINUTES.] BILLS. *Private.*—2°· Dean Forest and Gloucester Railway; Sowerby and Soyland Inclosure; Oxnam's Estate.

Reported.—Neath Harbour; Wexford Harbour; Anderton Carrying Company.

3°· and passed:—Newport (Monmouth) Gas; St. James's Improvement.

PETITIONS PRESENTED. From Bolton, with Harrowgate, against the Turnpike Roads Bill.—From North Shields, against a portion of the American Treaty.—From Hereford, for further Shortening the Hours of Labour in Factories.—From a number of places, against the Factories Bill.

FISHERIES TREATY WITH FRANCE.] Captain *Pechell* wished to know what was the state of negotiations with respect to the fishery question between England and France. He wished to know whether it were to be conceded to the French to anchor within those limits on the British coast from which hitherto they had been prohibited, and whether the negotiations with the commissioners had been concluded?

Sir *Robert Peel*, in answer to the hon. and gallant Gentleman had to state that commissioners had been appointed on behalf of the two countries, for the purpose of coming to an arrangement with respect to a fishery treaty. The regulations which those commissioners had agreed upon had not yet been ratified; but he had every reason to believe that in a few days this would take place, and as soon as the ratification was received, these arrangements would be laid on the Table of the House; for it would be necessary, as he believed, to bring in a bill, for the purpose of giving these arrangements the force of law.

Captain *Pechell* must ask the right hon. Baronet whether the limits on these coasts were to be further intruded upon.

Sir *R. Peel* would put it to the House whether, in the present stage of the proceedings, he ought to be required to give any further explanation. Arrangements had been made by the commissioners of the two countries. He had reason to believe that these would soon be laid on the Table of the House; but until he could state that they had been ratified by the French government, he should decline entering into any further explanation.

Viscount *Palmerston* understood the right hon. Baronet to state that Fishery Commissioners had been engaged on the part of the two countries, and that they had agreed to certain regulations, but that these regulations had not yet received the approbation of the two governments, and that the right hon. Baronet expected that he would be able to announce that approbation before the termination of the present week. He wished further to understand whether the approbation of her Majesty's Government was to be given in the same manner that regulated the acceptance of a treaty, that it was to be binding on the Government, so that when it was submitted to Parliament, it must either be adopted by Parliament, as agreed upon by the Government, or that Parliament should compel the Government to violate its engagements. He wished to know whether it was thus that the regulations were agreed to by the Government, or specifically subject to the subsequent approbation of Parliament.

Sir *R. Peel* replied, if notice had been given by the noble Lord of his intention to ask this question, his answer would be more complete than it could be at present. His impression was, that the consent of the Crown was to be given, and so far the Crown was bound by it; but to give effect to the consent of the Crown, the consent of Parliament would be necessary. He thought that the terms of the convention could hardly be fulfilled, unless by means of an act of Parliament.

Viscount *Palmerston* was afraid the right hon. Baronet did not exactly see the purport of the question he had asked. He wished to know whether, on the regulations being laid before Parliament, it would be competent for a Member to object to any one of those regulations?

NOTICES OF MOTION.] Mr. *Roebuck* wished to ask the right hon. Baronet whether he did not think that some mode might be suggested by which the difficulties and inconveniencies of the present mode of giving notices and asking questions might be got rid of.

Sir *R. Peel* for himself could say, that the subject had attracted his attention. He considered that some new arrangement was necessary. He had also to state that the right hon. Gentleman (the Speaker) had mentioned to him that this matter had also occupied his attention, and had intimated to him his intention to communicate with him, for the purpose of making some more satisfactory arrangement.

RETIREMENT OF NAVAL OFFICERS.] Captain *Berkeley* wished to ask a question of the First Lord of the Treasury. A proposition had been made as to the retirement of old naval officers: he wished to know whether the right hon. Baronet would have any objection to have that scheme laid on the Table of the House?

Sir *R. Peel* had a decided objection to do so. A plan was proposed by one Member of the Government to another. Such a plan was not to be published. There would be an end to all confidence if such a proposition were to be agreed to.

He was not prepared to take the opinion of the House on the proposition, and he could not be expected to lay an incomplete measure before them.

Treaty of Washington—Thanks to Lord Ashburton.] Mr. *Hume* in rising to move a resolution, conveying the thanks of the House to Lord Ashburton, for the manner in which he had conducted the negotiations which led to the recent treaty with the United States, for the settlement of the north-eastern boundary question, and other matters in dispute between the two countries, said that he was the more induced to do so in consequence of the noble Lord's having been assailed in this House by a noble Lord, who had lately occupied the post of Foreign Secretary, for the manner in which he had settled these differences. He looked at the result of this negotiation as a most fortunate circumstance for this country, and he very much regretted, and highly disapproved of the manner in which the noble Lord had been attacked in some quarters for his conduct in those negotiations, and in which the treaty resulting therefrom had been complained of. He had come down on the second evening of the debate on the noble Lord's motion, in order to submit a few observations to the House in support of the conduct of Lord Ashburton; but, in consequence of that debate terminating, he was prevented from fulfilling his intention by recording his opinion on this important question. He thought that the noble Lord who conducted these negotiations, was entitled to the thanks of the House and of the country for having, under fair and honourable terms, brought to a conclusion the disputes and put an end to that state of excitement which had so long prevailed between the two nations, and which, though nominally in a state of peace, had placed us in a state of disturbance bordering on warfare, and had prevented the English and the Americans alike from the advantage of securely colonizing their respective territories. The statement of the noble Lord the late Secretary for Foreign Affairs, in bringing forward his motion of censure upon Lord Ashburton, as far as the history of these transactions up to the period of Lord Ashburton's mission, was very clear and perspicuous; and he believed it to be strictly correct. But further than this he could not go, for he had been obliged, with feelings of deep regret, to differ from the noble Lord in his policy for some years past, which had, he believed, been extremely injurious to the external relations of this country; and he was very sorry that the noble Lord, being out of power, should now have come down to condemn not only the treaty, but the manner in which it had been brought about. He was anxious that the settlement of these long disputed questions should lead to all the benefits that had been expected of it, improving the relations between the two countries, and conducing to the internal advantage of both. He was confident, however, that the manner in which this treaty had been received by this House, would disappoint the country of many of those beneficial results which it had a right to expect from it, and that the mischief thus occasioned could not be got rid of unless some further step were taken by this House. The course which he (Mr. Hume) was now about to adopt might be a novel one, but, at any rate, it could not be open to some objections to which the motion of the noble Lord was liable, which was one partly of challenge and partly of attack between opposite parties; whereas he had consulted no party in this House, and if he committed any error in the proceeding he had adopted, it was his own exclusively. But when he saw votes of thanks so frequently adopted, both in this House and elsewhere, to military commanders, for their conduct in military transactions, he could not think that there was any ground on principle for refusing a similar testimonial to the services of men who had been the agents in successfully adjusting disputes between ourselves and foreign states without the necessity for military operations. As the friend of peace, he thought that the House should more frequently come forward with votes of thanks to those who succeeded in amicably adjusting their differences with foreign states. If the House would look at our enormous national debt, which had been contracted for the purpose of carrying on wars which were generally of a most unjust kind—a debt now amounting to about 1,000,000,000*l.* sterling, for such was about its present value—and would consider how the weight of this debt cramped our energies as a nation, and impeded the enjoyments of the people, he was sure they would be inclined to agree with him in this proposition. He was a decided advocate for peace. He was no advocate for war as a means of settling disputes; but at the same time he hoped he should never be backward in supporting a recourse to arms, if it should be necessary to defend our country from aggression. In this case, however, there was no such necessity for recourse to arms. The noble Lord, in giving his statement of the history of this affair, had left out a most important particular in the question—namely, that for the last two years, though the two nations had been nominally at peace, they had been actually in a state of war, both in regard to the establishments kept up, and the state of feeling between the two people. Let any one calculate the expence which this boundary dispute had caused to this country, recollecting that 20,000 infantry had been maintained in America to support our claims, besides upwards of twenty men of war cruising about the coasts of North America. It was with a view to calm this disturbed state of feeling, and to avoid this continued outlay for the mere defence of our territories, that the present Government resolved to send out an ambassador to the United States fairly and freely to discuss and settle all existing differences between the two nations. Now, what were the differences existing between the two nations which were to be settled? In the first place, there was the north-eastern boundary question. It was impossible to look to the treaty of 1783, at the maps then existing, and at the information since obtained on the subject, without being satisfied that the grossest ignorance existed, in regard to the high lands, and the course of the river St. Croix, which had led to these unfortunate disputes. He had no hesitation in saying, that he was clearly of opinion that the British, in the views they had taken of their claims, had been perfectly just—it could never have been intended to abandon the territory which was now in dispute; but at the same time, when they came to read the second article of the treaty, which directs that a line should be drawn from the source of the St. Croix, due north, till it met the highlands from whence flowed the waters which fell into the St. Lawrence, it was impossible to believe that the American commissioners ever intended that this should be carried into effect in the manner contended for by the English. In considering the construction of this treaty, he thought, that the Americans were in some degree warranted in what they contended for; whilst the British, in defending their own grounds, had much of reason on their side, and their views had been defended by some able men. Such being the difficulty of the question in dispute, the adoption of a new conventional line of boundary was the only feasible course that could be adopted with any chance of success; and he really was at a loss to understand on what principles of justice or reason the noble Lord and his late Colleagues now objected to this adjustment, for they had once given their consent to the adoption of an arrangement much more disadvantageous to the British Government. The noble Lord said, that the treaty was a bad one—that it abandoned important British rights, and made concessions which were injurious to our interests, and derogatory to our honour. But the noble Lord had not stated what losses we had suffered, what concessions we had made, unless, indeed, some minerals which might by possibility be concealed in the bowels of the mountains in the tracts of land we had conceded; and, with respect to any dishonour we had sustained, he would leave it to the noble Lord to point out any act in which we had suffered dishonour or disgrace in the transactions. For his own part, he admitted that when the appointment of Lord Ashburton was first notified, he thought that it was a bad appointment; he felt bound to say so, because of the commercial relations which were involved, and the apprehension that the negotiation might be made to serve other than the general purposes of the nation. But when he found, that the conduct of the noble Lord in his diplomatic duties was entirely contradictory of these apprehensions, when he found that the noble Lord had conducted these negotiations with equal judgment and integrity, he felt called upon at once to admit the fact, and to give the noble Lord that meed of praise to which he was so fully entitled. The noble Lord, the late Secretary for Foreign Affairs considered that Lord Ashburton's mission had failed. He should be glad to hear from the noble Lord, at his leisure, what grounds of objections he had to allege against the issue of that mission. They had been told, that Lord Ashburton had done little, and amongst other matters that he had left the north-western boundary question unsettled. What was the history of this mission? In September, 1841, Lord Aberdeen wrote to Mr. Everett, the American Minister, offering to send a special mission for the purpose of making a full settlement with the American government of all questions in dispute between the two countries. The question of the Oregon territory, though it certainly had once been a subject of discussion between the two Governments, had not lately been mooted between them, and it could not therefore well be included in a negotiation for the adjustment of existing disputes. To show the spirit in which this mission was viewed by the American government, he would refer to a passage in the message of the President in January, 1842, who stated, that

> "He looked upon the mission as one prompted by amicable intentions, and that it should be met with a corresponding feeling."

Now, with respect to the questions included in these negotiations. The north-eastern boundary question had been in discussion for forty-eight years, and with respect to the terms on which that question had been adjusted, though the noble Lord had made some strong remarks upon the cession of the navigation of the river St. John, he thought that, considering all the facts, the advantages accruing to the Americans were fully countervailed by the advantages which we should experience from this adjustment of a difference, the termination of which had become of such great importance. With respect to the question of the right of search, no one could read the despatches from the American government on this subject, without feeling assured that the United States meant in good faith to co-operate with us in effecting the suppression of the slave-trade. In 1823, a resolution was carried in the Congress, by a majority of 159, for the putting down of the slave-trade; though, unfortunately, through contrary circumstances, it had not been since carried out to the extent contemplated. But the American government, in pursuance of the resolution adopted, had resolved upon establishing a flotilla of vessels, carrying each, not less than eight guns, for the purpose of co-operating with the British, or otherwise acting, in the suppression of the slave-trade. With respect to the clause in the treaty for the mutual surrender of criminals, he highly approved of it, proving as it did that both nations wished to be on good and amicable terms. If it should happen that this clause would be likely to be made use of to demand the restoration of a slave who had fled from his owner, it would be the duty of Parliament, should a bill be brought before it to give effect to this treaty, to adopt such stringent restrictions as would prevent such a perversion of the intentions of the treaty. With respect to the case of the Caroline, it had been adjusted on much better terms than he had expected, for he must say, that a more daring violation of territory had never been committed by one country upon another than had been committed by Great Britain on this occasion. He would not now open up the details of this question, but in his opinion it involved a violation of territory of which the American government had a right to complain; and he was glad that all the difficulties which had resulted from this act of injury and insult had been adjusted most satisfactorily by Lord Ashburton. He was quite prepared to show that we were the sinners on that occasion; and he must say that he was surprised that the noble Lord (Lord Palmerston), who when he was in office, might so easily have smoothed down the acerbity which had been excited by this circumstance, should have neglected to do so. In 1838 the noble Lord was applied to on the subject by the American Government; but although a civil answer, merely acknowledging the injury and explaining that it was occasioned by a momentary excitement, would have been received as sufficient apology, the noble Lord had not thought proper to return any answer to that communication. This silence and neglect had led to an increase of the excitement, and to all those hostile demonstrations which were so much to be regretted. The last case which had to be adjusted was that of the Creole, which involved many disputed points. They had now, however, been so satisfactorily settled that no American could be ignorant of the fact that any slave on landing in any of our colonies would at once become free. The noble Lord had animadverted upon the concessions which we had made, both of rights and territories. It was true that we had conceded the free navigation of the St. John's; but that was a point which for our own benefit ought to have been conceded long ago. He for one would wish to see the navigation of every river made free; and he was sure that England would benefit by this concession as much as the Americans. With respect to the division of territory, he should be glad to hear from the noble Lord what grounds of opposition to the treaty he had on this score. The noble Lord, anxious for an amicable arrangement of the point in dispute, offered to give up one half of the disputed territory to the north of the St. John's, and the whole difference between that proposition and the present was 76,000 acres of ground, admitted to be, with few and slight exceptions in the vallies, utterly worthless. The great object of the British Government was to obtain a clear line of road from New Brunswick to Quebec. This was its object as early as 1783. In 1814, when Lord Gambier and Mr. Adams conducted the negotiations on this subject, they were prepared to lay down such a line of frontier as would secure a clear line of communication between New Brunswick and Quebec. The conventional line proposed by Mr. Jefferson in 1803, and afterwards by Mr. Maddison, was in accordance with this object, and the commissioners who negotiated the treaty of Ghent were recommended to proceed in their deliberations upon a similar view. More recently Sir W. Colebrooke had recommended the same terms, and Mr. Fox had stated to the noble Lord then at the head of the Foreign Department that he believed that Mr. Webster would be prepared to enter upon a negotiation upon such a basis. If the noble Lord had been able to have obtained that concession there was no doubt he would have been satisfied. But it was singular to see what a fatality had attended all the negotiations on this subject from first to last. In the first place, it had not been ascertained which was the river St. Croix, till nine years after the treaty of 1785 had been framed. Which of three rivers was that referred to in the treaty (so imperfect was the map), without further information it was impossible to determine. It became in consequence, necessary to institute a complete inquiry as to which was the St. Croix; and when they looked at the length of time which had passed in these disputes and negotiations, he thought that Lord Ashburton, in bringing all these difficulties to an adjustment satisfactory to both parties, had proved his mission to have been most successful, and was entitled to the thanks of the House. At the close of the late administration the noble Lord, the then Foreign Secretary, intimated to the American government that the terms which were offered were such as he could not accept. The noble Lord, in his estimate of the difficulties attending upon the late negotiations, had not appeared to reckon the proceedings and the state of feeling in the state of Maine. He should have remembered that they had been obliged to send troops to occupy a great portion of the disputed boundary—for the inhabitants of Maine threatened an appeal to arms. Indeed, so imminent was the danger, that in Canada, New Brunswick, and Nova Scotia, we had an army of 20,000 men ready to act in case of emergency. Let it not be forgotten, too, that it was in consequence of the Ashburton negotiations that Congress enacted a law by which it was settled that any question of international dispute similar to the cases of Mr. M'Leod and the Caroline, should be dealt with by the federal government, removing it from the local tribunals and irritation which might be supposed to exist in the state in which the case had its origin. He was well aware how great had been the excitement in the state of Maine upon the late question, and he thought that the enactment of this law would do more than all that had been until then effected to preserve peaceful relations between Great Britain and America. The States of Massachusetts, Maryland, Ohio, Indiana, and Alabama, had each and all of them come to resolutions to support the State of Maine in its claims by force of arms, should it appear necessary. In fact, hostilities were on the eve of commencement at the time when Government determined to send out a plenipotentiary. He had heard people say, who had means of judging, that were the settlement to be attempted over again, it could not now be made; and under these circumstances, they ought to consider themselves fortunate that the disputed matter had been so happily settled. With respect to the cession of Madawaska, he had seen the original grant of the fee of the settlement, and it certainly was in possession of the Canadian government; but there was no other mode than that of a conventional line, by which any settlement could be come to. The noble Lord, the late Foreign Secretary, might be, strictly speaking, right in his claims; but the question was not whether he were so, but whether it were wise to keep up a state of excitement and irritation, for the sake of mere technicalities, or even for the value of all we could gain from any settlement of the disputed boundary? The settlement made by Lord Ashburton had given the greatest satisfaction to those who were well able to judge of the matter in dispute and the difficulties which were to be encountered. It had given the greatest satisfaction along the northern frontiers of our American possessions. It was approved of in the House of Assembly of Canada, and it received the cordial assent of the newspaper press in that colony. And who were so well able to judge of the value of the settlement which had been effected as those who from their position were naturally most affected by the evils of excitement and uncertainty? There were no two countries between which it was more desirable for their mutual benefit, that strictly amicable relations should be preserved than between Great Britain and America, and he thought that by acceding to the motion which he was about to propose, that they would do much to strengthen the friendly feelings between the two countries. But it had been urged that there existed no precedents in the proceedings of the House to sanction the step which he called upon them to take. Now, so far from such being the case, he found six precedents in favour of his motion. At the time when votes of thanks were passed by this and the other House of Parliament to the commanders and troops in China, the right hon. Baronet at the head of the Government had stated that the name of Sir Henry Pottinger was omitted from the vote, in consequence of his being a civil functionary, as it was not usual to confer the thanks of the House in such cases. Now, he had made inquiries, and had drawn up a list of votes of thanks given by Parliament to persons for civil services performed by them. The first precedent occurred in the year 1763, when the thanks of Parliament were voted to the sheriffs of London for having burnt the North Briton. In 1778, thanks were voted to Admiral Keppel on account of his general conduct after he had been tried and acquitted by a court-martial. Again, in 1794, the thanks of the House had been given to the managers of the impeachment of Warren Hastings. In 1805, the Commissioners of Naval Inquiry received the thanks of Parliament. In 1806, the commissioners who managed the impeachment of Lord Melville received a similar honour; and on the 14th of May in the same year, on some charges being brought against Earl St. Vincent, for malversation in his official capacity of First Lord of the Admiralty, the accusations were dismissed, and a vote of thanks tendered to the object of them by the House. Those precedents, but particularly the last, bore upon the case at present in question, as charges had been brought against Lord Ashburton which, he thought, had been disproved. On the whole, then, he thought that the noble Lord fully deserved the honour which he asked the House to bestow on him. The noble Lord, had settled all the matters in dispute, some of which, notwithstanding many efforts, had been litigated for upwards of fifty-eight years, and had removed a very angry feeling which was rapidly growing up between the two countries. They not unfrequently saw the thanks of the House voted to naval and military officers, and surely they ought to bestow a similar honour upon a man like Lord Ashburton, who had carried through negotiations so great and important to so satisfactory a result. The hon. Gentleman concluded by moving—

"That this House, looking to the long-protracted and unsuccessful negotiations for the settlement of the north-eastern boundary between the United States of America and the British North American provinces; and taking into consideration the great importance of removing the grounds of irritation between the inhabitants of the frontiers, is of opinion that the treaty of Washington, by which that boundary has been defined and settled, is alike honourable and advantageous; and that Lord Ashburton, who conducted the negociations which led to that treaty, deserves, for that service, the thanks of this House."

Dr. *Bowring* said, he rose to second briefly the motion of his hon. Friend; and though on most occasions such a motion might be considered a work of Parliamentary supererogation, yet this treaty had been so violently, and in his judgment, so undeservedly attacked, that it appeared to him quite becoming in the Legislature to give it a hearty and an emphatic approval. He had read the correspondence through, and from beginning to end the negotiation had been conducted in a courteous, pacific, and dignified spirit. As became the representative of a country like this, the noble Lord had entered on the controversy in a tone and temper worthy of his important functions—the functions of a negotiator of peace. He might have exasperated the people to whom he was sent—he sought to conciliate; but not by unworthy concessions. He might have created difficulties by a querulous and quarrelsome jactancy—he rather endeavoured to remove them; but by no sacrifice of the national honour.

A great nation can afford to be magnanimous, and so ought a great party, but he thought that justice had not been done to Lord Ashburton by that party which no longer held the reins of power. He for one regretted that it was not the privilege of the late Government to conclude such a treaty as that they were now discussing; with even stronger satisfaction than that he now felt he should have hailed it; but in discussions with other nations, in advocating the interests of our common country, we should raise ourselves above the pettiness of domestic squabbles and present a unanimous sentiment of patriotism; but, inasmuch as a real and a substantial good had been accomplished, could he refuse his meed of humble praise because he who had accomplished it did not in some, or many other questions, agree with him? He had not so learned his public or Parliamentary duty. That duty should not be made subservient to personal or party views. He thought the noble Lord had deserved well of his fellow countrymen, and as one of their representatives he should have his honest praise.

Sir *C. Napier* said, that he was not astonished that the noble and learned Lord in the other House of Parliament should have proposed a vote of thanks to the noble Lord who had been engaged in arranging the boundary question with the American government, for that noble and learned Lord had for some time been coqueting with her Majesty's Government; but he must express his regret that the hon. Member for Montrose, whom he had always considered to be a plain, straightforward, honest, calculating Scotchman, should follow in that noble and learned Lord's footsteps, and bring forward such a motion for the approval of the House. Why did not her Majesty's Government, if they approved of the proceedings of Lord Ashburton, propose a motion of thanks? He had a right to infer, from their silence upon this point, that they disapproved of the conduct of that noble Lord in the negotiations with which he had been intrusted. With regard to the question of the right of search, the President of America had declared that we had abandoned that right. The right hon. Baronet had denied this statement: that denial was followed up by a despatch from the Earl of Aberdeen. He could not see how the Earl of Aberdeen was borne out by that statement, for when he referred to the first despatch, dated the 8th of February, 1842, he alluded to the despatch to Lord Ashburton; that question was mooted, and Lord Ashburton's reply established, that he had received instructions to enter into a treaty on the right of search. Lord Aberdeen in that despatch had to question an important point. It was absurd to say that the right of search was not conceded to America. It was important in every point of view to adhere to this right of search. If this country did not do so, the consequence would be, that the slave-trade would be carried on by vessels bearing two descriptions of flags, which they could hoist whenever they wished to escape detection. That was what the Americans wished to do, and he sincerely hoped that her Majesty's Government would most emphatically declare that nothing upon earth would induce them to surrender their right of search. It will be the object of the slaveholders to make their vessels as like the Americans as possible. He would suppose the case of an English man-of-war falling in with an American vessel on the coast of Africa. Suspecting her to be engaged in the slave-trade, our vessel hails her. The American captain, who, as he (Sir C. Napier) knew, was often a stiff sort of chap replies, "I guess I have instructions from the President not to allow you to visit my vessel." If our captain did his duty he would fire a shot ahead of the vessel. That having no effect he fires another through one of her sails. No notice is taken of this; the English captain fires into the American ship and kills one of the men. The vessel is boarded, and the American again says, "My President says you have no right to search vessels carrying the flag of the United States." The vessel must be conducted into some port, and what, he would ask, would become of her? At the moment he was speaking, the case he had imagined might be taking place. He would like to know why Lord Ashburton, when he had a large force at his disposal, gave up the river of St. John to the Americans, and, in its place, adopted that conventional line which the hon. Member for Montrose so eulogized? Lord Ashburton made no effort to keep that line, but struck another line and gave up to America Rous's Point. The hon. Member for

Shrewsbury had amused the House the other evening with a ridiculous story in relation to himself. That hon. Gentleman had stated that he (Sir C. Napier) had been on a visit to Lord Palmerton for the purpose of being crammed, and that his horses had run away and had knocked down an old woman. The story was ridiculous enough, but it would appear still more so when he informed the House that no such occurrence had taken place. He regretted that the hon. Member was not in his place. That hon. Gentleman manifested a great disposition to become a negotiator. If he (Sir C. Napier) had been disposed to act the part of a spy, he would no doubt have seen, upon that occasion, the hon. Member for Shrewsbury issuing from the American minister's house drenched with French brandy, which, no doubt, must have tended greatly to confuse his vision, or the hon. Member never could have made the remarks he made on Rous's Point, hence we had given up that place. Congress had passed a vote to defray the expense of fortifying it, and in the event of a war between the United States and Great Britain, it would be impossible to prevent that place from being made a great source of annoyance to us. In fact, it was already called "Fort-Blunder." For these reasons he thought it highly improper that the House should entertain such a motion, and he therefore moved as an amendment, that the House do now adjourn.

Captain *Berkeley* rose to second the amendment. He observed, that when the hon. Member addressed the House on the subject of the Canada correspondence, he was derisively cheered by those Ministers who, on the present occasion, seemed to adopt him for their leader. He did not blame the hon. Member for making such a motion; on the contrary, he thought that, in so doing, he had acted quite consistently; but he was surprised that her Majesty's Government cheered such sentiments as the House had just heard, and supported the hon. Member's motion. A few more such negotiations as those which Lord Ashburton concluded, and the visions of the hon. Member for Montrose would be realized—the separation from Canada would be complete. He quite agreed with the hon. and gallant Commodore near him, that the name of Fort Blunder and Lord Ashburton would be remembered together; and he thought that this country would have frequent reason to regret the arrangements which that noble Lord had made. No one was more opposed to war than he was, but when he recollected how open to the influence of popular clamour the Americans were, he could not help feeling strong apprehensions that some occasions of dispute would arise. As to the eventual result of a war between this country and the United States, he felt no apprehensions, but even an approach to hostilities ought to be avoided. As the present occasion was one which did not appear to him to call for a vote of thanks, he should certainly support the amendment and vote against the motion of the hon. Member for Montrose.

Mr. *Escott:* If the hon. and gallant Gentleman (Sir C. Napier) could answer the statements and arguments, instead of harping upon the jocular part of the speech of the hon. Member for Shrewsbury, he would do good service to his party; but that speech had remained unanswered. If the principles of the hon. and gallant Members who proposed and seconded the amendment had been followed by Lord Ashburton, not only would the treaty not be concluded, but we should, in all probability, be at this moment at war with the United States. It was not by cavilling at stray expressions, but by viewing the treaty as a whole, that they could form a fair opinion of the conduct of Lord Ashburton. There were three great questions of retributive justice which had occupied Parliament during the present Session. The first was a vote of thanks to the Indian army; the second was a vote of censure upon the authors of the Indian war; and the third was the motion before the House. The first was carried with little or no opposition; the second would have been carried with quite as little trouble but for the forbearance of the Executive, who had acted on that occasion with as much magnanimity as wisdom. With respect to the motion before the House, there could not be a doubt of its passing, as it was but an act of justice to an individual. He, therefore, felt greatly rejoiced when the hon. Member for Montrose placed his motion on the order-book. The country had already virtually sanctioned it, and it was only for the House to carry the intentions of the country into effect. That was the cause why the motion of the noble Lord, the late Foreign Secretary, had fallen through without a division, and if a division had been come to on it, he was perfectly satisfied that it would not alone have been negatived by a very large majority, but the noble Lord and his colleagues would have received the unqualified condemnation of the House and the country. The hon. Member for Montrose had established his right to bring forward this motion in point of precedent; but if he had not, it was but just in the House of Commons to give its meed of approbation to the noble Lord after the motion of the noble Member for Tiverton. Was it or was it not fitting that the House of Commons should declare its opinion on the great question of international policy. He trusted the House would directly negative the amendment of the hon. and gallant Member for Marylebone, and thus express a distinct opinion on the policy of the treaty concluded by Lord Ashburton. The real question at issue between the two parties in the House, the numbers who praised and the few who condemned the treaty under discussion—was the character and conduct of the noble negotiator. The few who opposed the treaty in this country, as well as in America, attacked the noble Lord for his alleged unfitness, while they distinctly stated that the object he should have in view was to draw a conventional line and effect a compromise. But admitting that a compromise was necessary, who could be more fitted to affect it than Lord Ashburton. Of all persons in this country that noble Lord was the first, perhaps the only one, who could have effected a satisfactory settlement of the boundary question; inasmuch as he had acquired, by a long course of excellent conduct, the favour and respect of the American people. The best excuse, indeed, which could be offered for the late government not having settled the question was, that they did not possess in their ranks a negotiator who was likely to succeed. The great object of all negotiation was to effect a voluntary settlement of this question. That Lord Ashburton had done, and on a future day, when party spirit was dead, then would it be recorded in his favour, and that of the government, that they selected the one most likely to carry their objects into effect, and who had moreover, fully effected them. Under these circumstances he should cordially support the motion.

Mr. *E. Buller* was understood to say, that he was unacquainted with the motives which had induced the hon. Member for Montrose to bring forward this motion, but he deeply regretted that such a step had been taken. In his opinion the interests of the country required that the treaty of Washington should be made, as little as possible the subject of discussion, and that nothing should be done to disturb the minds of men either here or in America, and to cause either party to suppose that they had obtained an advantage. It was far better that each country should believe that it had made sacrifices, in order to avert the horrors of war. Surprised as he was that the present motion should have been made, he was still more astonished that it should receive the support of the government. He could not consider the proposition in any other light than as a motion of censure upon the administration; for if Lord Ashburton was deserving of thanks, and it was consistent with precedent and public interests, why had the ministers not proposed a vote of thanks to him long ago? It was incumbent on the Government to show that there were circumstances in Lord Ashburton's case which justified a departure from precedent. Before he could assent to the motion, he must be satisfied that Lord Ashburton's conduct had been, in all respects, unexceptionable; but at present the impression of his mind was decidedly adverse to that conclusion. In looking through the correspondence upon the Table of the House, he perceived that Lord Ashburton had, in more than one instance, pledged the honour of the country to a particular course, which he afterwards abandoned. Nevertheless, after having considered the question, he was disposed to acquiesce in the terms of the treaty. It was a different question, however, whether he was prepared to say that it was advantageous to the country. In several passages of the correspondence Lord Ashburton himself declared the treaty was advantageous not to this country, but to the United States. Had the state of opinion in this country permitted, the late government would have had no difficulty in settling the question on the same basis as that of the late treaty, but looking at the decided opinions expressed by some of the leading reviews of the country in favour of the full extent of the British claim—by the *Quarterly Review*, the great organ of the Conservative party, and the *Westminster Review*, which also possessed considerable influence in this country—it was probable that had such a treaty been made by an ambassador appointed by the late government, a large number of patriots would have been found on the Conservative benches, and also among the Radicals, who would have ousted the late government on the question. The motion now brought forward was entirely contrary to precedent, and the precedents quoted by the hon. Member for Montrose, who proposed it, had nothing to do with the question. Seeing that it was quite unprecedented, he must give his vote against the motion.

Sir *H. Douglas* expressed his cordial approval of the conduct of Lord Ashburton in not having insisted upon the retention of Rouse's Point, which was useless to us as a defensive position against attack from the United States, and only useful for an offensive movement. The gallant Commodore, the Member for Marylebone, had stated, that Rouse's Point ought to have been retained by us, because without the possession of that point, no attack or invasion of the United States could be made by us, in that quarter. The hon. and gallant Member thus admits what he (Sir H. Douglas), stated in a former debate, that the retention of Rouse's Point is not essential to the defence of Canada. He did hope we never should make a hostile inroad into the United States. If there was one thing more than another that he admired in the noble Lord who had been chosen to represent this country, it was, that he conducted the negotiation in a friendly spirit, and scorned to insist on the possession of any point not necessary for the defence and security of the British dominions in America, and willingly relinquished what would only be of use for offensive purposes. He hoped we should always remember Saratoga, and never forget Plattsburg. The maddest of all attempts would be an invasion of the United States, circuitously through Canada, from which we were shut out by climate for five months of the year, and in which every shot that was fired must be at enormous cost, from the difficulty of transport. If ever, unfortunately, which God forbid, war with the United States should be forced upon us, and operations—and he could here distinguish between desultory attacks and regular invasions—be undertaken, let these be carried on within the reach of that great arm of our strength, of which the gallant Commodore is so distinguished a member. The hon. Baronet who spoke last, the Member for Devonshire, has made a great mistake in asserting that, by the Ashburton Treaty, more territory is given to the United States than by the award of the King of Holland, and that by this treaty the United States have acquired possession of the crests of the Highlands, which border on the river St. Lawrence. It is quite the reverse. The award of the King of Holland conceded, in part, this; but Lord Ashburton has procured for Great Britain a much larger portion of that territory, than the King of Holland awarded, and secured to us the crests of the hills to which the hon. Member has alluded. It must be remembered, too, that Rouse's Point was awarded to the United States by the King of Holland's decision. That award was accepted by the noble Lord, the late Secretary of State for Foreign Affairs, and pressed upon the government of the United States, for adoption, and confirmation, for several years. With respect to the Madawaska settlement, whence all this sudden sympathy for the separation of that on the south, from the sister settlement on the north bank of the river? It was proposed so to divide those settlements, by the award of the King of Holland: and it does seem strange, and is inconsistent, that the noble Lord should now condemn an arrangement, which formed part of that which the noble Lord accepted, and long pressed upon the acceptance of the government of the United States: and I have already shown that the sovereignty, jurisdiction, and actual possession of the Madawaska settlement were all surrendered, virtually and practically, by the noble Lord when he permitted the United States to erect forts in that part of the disputed territory. With respect to the navigation of the St. John, as an outlet, that was merely a treaty arrangement, granted for a special purpose, and carrying with it no danger or inconvenience. Questions connected with the navigation of rivers, according to different constructions of the law of nations, often caused great embarrassment. In 1824, Mr. Rush, was sent to London, on a special mission, to demand the free navigation of the River St. Lawrence, as a right. Mr. Canning strenuously resisted the demand, and there the question rested. He (Sir H. Douglas) had expressed an opinion to the right hon. Baronet that the question of boundary pending between the two Governments, could not be settled without concession by us, to the United States, of the privilege of using the St. John as an outlet; for what were the Americans of Maine to do with their timber and other productions, if debarred access to the sea; but he had recommended that this should be granted as a special privilege, or boon, and not as a natural or constructive right, so that it could not be drawn into a precedent, and that the Americans might not be enabled to demand, hereafter, the free navigation of the St. Lawrence also; for if that were granted to them, we should be internavigated in all parts of the upper provinces down to the sea, to the great detriment of British interests. The hon. Member opposite had observed that he acquiesced in the arrangement established by the treaty, though he did not mean to vote for the motion; and defended himself by saying that there was a great difference between acquiescing in an arrangement, and admitting that it was an advantageous one. He would only say that the hon. Member thus, by his own admission, acquiesced in a settlement which he thought disadvantageous, and this was certainly not a very consistent course.

Mr. *Vernon Smith* would make but a few observations on what might justly be termed the monstrous proposition of the hon. Member for Montrose. Not that the subject did not offer abundant matter, but he applied that epithet to the motion, because of the total want of precedent as to any similar case, for as to those instances which the hon. Member was pleased to call precedents, they had about as much to do with a vote of thanks to an ambassador extraordinary or to any diplomatic envoy, as with any subject totally foreign from the matter. He was content to take the declaration of the right hon. Gentleman, the First Lord of the Treasury, as to a previous case analogous to the present. These were the words of the right hon. Gentleman when he was asked why Sir H. Pottinger was excluded from the vote of thanks on occasion of peace with China:—

> "I wish it had been consistent with usage to have included the name of Sir Henry Pottinger in the vote; but at the same time I think it of great importance to adhere in these matters strictly to precedent; because if we did not do so—if we did not strictly adhere to those precedents, which I think have been founded upon good sense, every omission that we happened to make in a vote of this nature would imply a censure. We avoid the risk of such an implication by adhering to the established usage. . . . . I apprehend that there is no instance in which a diplomatic agent of the Government has received the thanks of Parliament for the successful completion of any negotiation, however important, or of any treaty, however advantageous to the interests of this country. . . . . I certainly think that the precedent of including the names of diplomatic servants in votes of this nature is one that we ought to pause before we establish."

These were the words of the right hon. Gentleman when appealed to in this very session to acknowledge the services of Sir H. Pottinger; and admiring, as he did, and had always done, the taste and discretion of the right hon. Baronet, he had been on a former day very much surprised to hear that the right hon. Baronet intended to support the motion of his hon. Friend. His admiration, however, had returned this evening, for he perceived that, although the right hon. Baronet intended to fulfil his promise of supporting the motion, he had the good taste and discretion to absent himself from hearing a single word of the hon. Member's speech. His hon. Friend, the gallant Commodore near him, had moved that the House do now adjourn; and the hon. Member for Winchester said, what a way of meeting a great question like this. But was not that the parliamentary way of meeting a question which they thought ought not to be discussed at all? He might say that his hon. Friend, in addition to his gallantry, had manifested great knowledge of parliamentary precedents, for a similar motion had been made on two or three previous occasions, and by two noble Lords to whose example he thought the hon. Member would be disposed to pay respect, Lord Chatham and Lord Grey. He was, however, willing to admit, that even in spite of there being no precedents, supposing there was some extraordinary, wonderful, and unforeseen case of success in negotiation, perhaps a deviation from practice might be justifiable. But what was the best that had been said of Lord Ashburton's negotiation? His best friends and warmest advisers only ventured to say that we were well out of the scrape. We did not get all we claimed, all that the *Quarterly Review* asserted that we were entitled to, using language more open than was employed in Parliament, although when written by a gentleman who was pretty fond of assuming a high and arrogant tone of party exaggeration. We had not obtained all that we had a right to expect, and therefore he said there was no ground for stepping out of the usual line of parliamentary precedents. The hon. Member, in his motion, confined his approbation to the settlement of the boundary question; he called on the House to single out one item of the treaty, and signify their unqualified approbation of that portion. Was it on such a ground that Parliament should be called upon to deviate from the usual course, and set a precedent which would be subversive of the authority of all previous practice? Lord Ashburton was to be thanked for giving up a certain portion of territory. Was this the only point he had conceded, or omitted to enforce? The right of search was said to have been excluded from the field of Lord Ashburton's negotiation; but the papers laid before the House clearly showed that it was one of the questions for the settlement of which the mission had been resolved upon. In a despatch to Lord Ashburton, the Earl of Aberdeen said,—

> "The last subject to which I propose to advert is that which, under the designation of the "right of search," has already created so much excitement in the United States. I am persuaded that this excitement has in great measure been the consequence of misapprehension, and that when the real state of the question at issue shall have been fully explained and understood, it must necessarily subside. Undoubtedly it would be much more agreeable to her Majesty's Government, and, I must be permitted to think, more honourable to the United States, if the cabinet of Washington were now to enter into the league which has been formed by the great Powers of Europe, and by the mutual concession of a duly regulated right of search, to hold out to humanity the cheering prospect of the final extinction of the odious traffic in slaves. Your Lordship will constantly keep this object in view, and will not omit any seasonable opportunity to renew propositions tending to this result. With the example now happily afforded by all Europe. I am unwilling to doubt the ultimate success of our endeavours to include the American continent in these engagements. But whatever objections may exist in the United States to the right of search, properly so called, these are not applicable to the present case under discussion between the two governments."

Mr. Everett also said, writing to Mr. Webster,—

> "Lord Aberdeen rejoined, that it was more than an overture; that Lord Ashburton would go with full powers to make a definite arrangement on every point in discussion between the two countries. He was aware of the difficulty of some of them, particularly what had incorrectly been called the right of search, which he deemed the most important of all; but he was willing to confine this and all other matters in controversy to Lord Ashburton's discretion. He added, that they should have been quite willing to come to a general arrangement here, but they supposed I had not full powers for such a purpose."

From these passages it clearly appeared that Lord Ashburton was directed to pay attention to the right of search, and it was impossible to say that the right of search was not included in the questions which he was sent out to settle. But was the question of the right of search settled? Far from it. It was perfectly notorious that it remained entirely unsettled. If Lord Ashburton had settled it, he might have done something to deserve the gratitude of his country, and made an important step towards the suppression of the slave-trade, an object which every man who had a heart in his bosom earnestly desired. He could not lend any support or countenance to this motion, notwithstanding the feelings with which he viewed other points of the political career of the hon. Member. His hon. Friend had done much, and encountered much; he had been callous to the wit of Canning, and reckless of the ridicule of the right hon. Baronet opposite; nay, even impervious to the insinuations of Mr. Alexander Baring himself; he had achieved what a man more susceptible would not have accomplished. But admirable as an economist, he had no notion of negotiation, and it was, perhaps, not wonderful that his hon. Friend should wish to give thanks of the House to Lord Ashburton for the cessions of territory he had made, inasmuch as he himself had advocated the surrender of the whole of Canada. The course taken by the noble Lord in his negotiation was hardly calculated to obtain much for his Government; he began by saying the matter did not signify, just as the hon. Gentleman himself, when he made a flaw in the king's English, said it did not signify. When the noble Lord arrived in America, he said, "I am a plain man; not one of the diplomates, and unaccustomed to artifices;" but he seemed not to have met with the return he expected from Mr. Webster. We had neither obtained the territory which was ours, nor the settlement of the right of search; but it was the low and feeble tone taken by Lord Ashburton throughout the negotiation of which he chiefly complained. He regretted to see that tone taken by a British minister, though no doubt it was assumed by Lord Ashbuton from the best possible motives, from the sincerity and simplicity of his nature; but he lamented that such a tone should be taken in diplomacy, particularly with a country like the United States. If there was any question agitating this country, upon which Lord Ashburton could not be considered as a representative of the feelings of the people, it was that of slavery. He did not think the noble Lord had gone into that question with the heart and spirit in which the English people had taken it up. He was more likely to view it as a practical man, and not to hold that zealous tone which had been assumed by the people of this country. These were the sentiments he (Mr. Vernon Smith) entertained, but which he hoped at the same time were not in the least degree inconsistent with the deepest private respect for the noble Lord. What would be the effect if this vote were to pass? Would it not be a precedent for all future negotiators to come to the House and say Lord Ashburton has been thanked? No matter what were the question—no matter whether the vote were that "black was white," according to the doctrine of the hon. Member who was the leader for that night, the majority of the day must thank their partizan. In the Queen's Speech, a negotiation with Russia had been mentioned with great satisfaction, whereas the mission of Lord Ashburton had been only spoken of with trust and hope. Should we thank for what was only hopeful, and neglect what was satisfactory quite? Why had the thanks of the House to Lord Ashburton been so long delayed? He was an ill-used man, to be called to the Bar of the House three months afterwards—to receive the thanks of the House for an able negotiator, when an unable governor-general had been thanked at once. He hoped that if this vote were to pass, there would be a special vote that the thanks should be given by the hon. Member for Montrose himself. The whole affair would then stand as it ought, namely, as something more like an absurdity than a political precedent. Severe comments had been made by the hon. Member for Winchester, on his noble Friend the Member for Tiverton, because his noble Friend, after his speech upon this subject, had concluded with a motion only for papers, and hon. Gentlemen on the other side had asked, why not move a vote of censure? He thought his noble Friend had acted perfectly right, and that the country was much indebted to him for the speech he had made on that occasion. No course was more consistent with the duty of one who had filled high official stations than, when seated on the opposition Benches, to state his opinion on the conduct of the Ministry, and there was not a man in the country, but his noble Friend who could have made that speech, and carried on that chain of reasoning, through all the intricacies of the question, some of which were perfectly new to the House. He asserted, that, not alone on account of the ability displayed in the speech in question, but on account of the situation, which for ten years had been held by his noble Friend, that speech was a most useful exhibition to that House, and was it, he would ask, new to conclude a speech of that kind with a motion for papers? What would have been the use of a division? [*Cheers.*] He thanked hon. Gentleman for that cheer. He well knew, that when an admission was made on one side of the House, it was sure to be hailed by a party cheer from the other. He admitted, of course, that on his side they were in a minority, but were hon. Gentlemen prepared to say, that a minority was of no use? Minorities worked themselvas into majorities, especially when their efforts were seconded by energy and abilities, such as those of his noble Friend. The fact was, that the present motion had originated out of the motion of his noble Friend in rather a curious way. It seemed that the hon. Member for Winchester, and the hon. Member for Montrose, and some other hon. Members had prepared speeches which they wished to deliver, but which they were afterwards prevented from delivering by the turn the affair took. As they had no chance of delivering those speeches in any other way, the hon. Member for Montrose gave notice of a motion of his own for the purpose. And thus it was owing to the fact of the House being counted out on a warm evening, that Lord Ashburton was now indebted for this vote of thanks. In fact, if the hon. Member for Montrose had been able to deliver his speech on the first evening, instead of being obliged to postpone it to the second, there would have been no vote of thanks. That was the happy position in which Lord Ashburton stood, and such was the high position of the House of Commons, and the Government, with regard to him. The Duke of Wellington, speaking of the thanks of Parliament, said they were the noblest honour a military man could receive, and that they animated men to the performance of brilliant exploits. What effect would they have hereafter on the minds of public men if they were thus doled out accidentally—if a vote of thanks by Parliament depended upon the accident of a Member having been unable to deliver himself of a speech on a particular night, and having resorted in revenge to the expedient of making a special motion? In the course he took on this occasion he was acting in the discharge of what he believed to be a public duty. Whatever might be his admiration of the qualities of a public man in his private capacity, a Member of Parliament was bound to express his public opinions on public questions. An opposition to a vote of thanks for the securing of a peace might by some be attributed to a desire for war. No such motive animated him on this occasion: on the contrary, he was most desirous to see peace maintained between us and a nation which he looked on in the light of a connexion, and even of kindred. What he did think was, that the best way of maintaining peace was not by making perpetual concessions, and for that reason, and not because he desired to see this country at war with the United States, did he regret these negotiations, and express a feeling that they might have been with advantage even longer protracted, if by so doing they could have had any reasonable expectation of effecting a better settlement. He said "settlement," because that was the word more generally used with regard to the Ashburton treaty; but he denied that it was a settlement: and when the hon. Member for Montrose looked at it in that light, he would beg to ask him if he had seen from the papers, that the very causes of irritation, which were said to have been allayed by the treaty, were beginning already to be renewed on the frontiers? If the approval of the hon. Member were confined to the expression of his own opinion merely, he (Mr. V. Smith) would not have said one word against such applause. But when the hon. Member called upon the whole House of Commons to vote their thanks to one who had achieved no permanent advantage or honour to the nation, he should refuse his consent to such a motion. At the same time, being called upon by his hon. and gallant Friend to put aside the whole subject, by his motion of the previous question, as unfit for discussion in that House, he should prefer that course, and vote with his hon. and gallant Friend.

Mr. *C. Buller* regretted that, upon a subject he regarded with so much interest and upon which he so decidedly differed from many of his hon. Friends on his side of the House he should be prevented by indisposition from addressing the House so fully as he could wish. The House certainly would not be troubled by listening long to him, but he feared he should be obliged to confine himself to the expression of opinions which would have little weight, rather than to the offering to the House facts and arguments which would aid them in their discussion of the question. He was not only going to vote with the hon. Member for Montrose, but he was also glad that the hon. Member had thought proper to bring forward his motion. He would not undervalue precedents, no doubt wisely adopted; but, at the same time, he believed the diplomatic history of this country scarcely afforded an instance of services so important having been rendered: services which consisted, not in securing the greatest advantages from a war in which our arms were successful, nor in merely continuing the ordinary course of negotiation; but which had put an end to a dispute that threatened to a most dangerous extent the relations of this country with that with which of all others it was most desirable, both from feeling and policy, that Great Britain should maintain amicable relations. On these grounds he was disposed to overlook precedent in this instance. But there was another reason why he should be disposed to overlook precedent—it was because he thought the country placed in an unprecedented situation in respect to this treaty of Washington. There had been a debate upon the subject, in which there had been much ability and force of argument on both sides; but yet that debate, in the eyes of the country, had an appearance as if all who spoke on that (the Opposition) side of the House opposed the treaty, and its only supporters were the Ministers by whom it had been effected. It was most desirable that such an impression should be removed, and that the people of this country, and of the world at large, should be made aware that the treaty of Washington was not regarded as a party question. It was, therefore, incumbent on those in opposition who approved of the treaty to express their approbation of the conduct of the negotiator. The simple question then was, whether that treaty was of so advantageous a character as to call for a special vote of thanks of that House. He thought that in order rightly to determine this question, the House should, in the first place, be fully aware of what Lord Ashburton had really achieved. He knew that it had been the habit of those who condemned the treaty to attempt to confine attention to points which Lord Ashburton had not settled, and to overlook the importance of those he had. He now asked the House to view the matter under another aspect. What had been the causes likely to disturb our relations with the United States for the last ten or twelve years?—that long and troubled period when there hardly came a packet from the United States that did not bring news of events that were likely to bring on the horrors of war. There were two causes of irritation. The one sprung out of the Canadian insurrection, the sympathy on the United States frontier, the aid afforded to the Canadian rebels, the hot blood caused by the affair of the Caroline, the arrest of M'Leod, and the disturbances that arose out of that arrest. This was one of the class of causes. The second class of causes comprehended the disputes which had taken place along the whole frontier line from time to time on the question of boundary. There had been, in fact, three boundary disputes which had given rise to collisions. Hon. Gentlemen did not need to be informed of the differences between New Brunswick and the state of Maine; but it was not so generally known, that there had during the whole period been a similar dispute respecting a corner claimed by Lower Canada, and the state of New Hampshire, the consequence of which had been a collision between the New Hampshire Militia and the settlers on the Connecticut river. Then, there was the dispute on the line 45° between Lower Canada and the state of New York, which had led to the affair of Mr. Grogan. These were the great causes of dispute, and when he gave his vote of thanks to Lord Ashburton, it was because he thought he had entirely done away with all those causes of dispute. For the last five years the affair of the Caroline had been the subject of constant and serious alarm. That was settled. Not only was there the affair of the Caroline itself, but there was also the arrest of M'Leod and the hot blood that sprung out of it. These questions had been settled in the only way that was possible. On our part, we had admitted that the taking of the Caroline was contrary to international law, and, under such circumstances, this country could do no less than apologise; he believed, however, it would be admitted that the American government had consented to receive as slight an apology as it well could take. But Lord Ashburton's service was not confined to repairing the wrong committed by this country. He had secured a concession in turn; and the concession made by the United States was not confined to diplomatic records, or the words of negotiators; it was embodied in a deliberate change made by the legislature of the United States, and that, too, in a matter on which the constitutional jealousy of that people was carried to its greatest height. Not only was the affair of the Caroline settled, but a provision was made by which such difficulties as occurred in the case of M'Leod could never occur again. Hereafter justice could not be defeated by the plea of separate jurisdictions; and if a British subject should be brought to trial for an act which his government ordered, it would be by the federal government, responsible to their country, and to the public opinion of the world. This question being settled was a great result of the mission. The other great subject of dispute was that of the disputed territory. With regard to the value of the disputed territory, he must say fairly, that though nothing of that kind was worth the continuance of any dispute between the two countries, although he admitted, that a dishonourable settlement by a concession made in terror of the United States would only have led to fresh insults and demands, and have become the origin of future aggressions, and not of tranquillity and good feeling. But if the House would look to the terms made by Lord Ashburton with respect to the disputed territory, he thought it must decide that as fair terms had been obtained as could have been expected. For this purpose, they must look at the position in which the negotiation stood at the period in which Lord Ashburton took it up; and ask if Lord Ashburton could expect to have got more under the circumstances in which he found the dispute. He contended, that tried by this fair test, Lord Ashburton had got better terms than could have been expected. The whole question, the rights and claims of both parties, and the grounds by which they were supported had been referred to the King of the Netherlands, and he had given a certain award. Now he would take the position in which this award left it, and on that ground try the Ashburton negotiation, and he must contend that the noble Lord had obtained better terms than those contained in the award of the King of the Netherlands. He knew that some contended there was a better claim on our side, established by a letter, and map of Francklin's which the Americans themselves had discovered; but if any Gentleman thought that after twenty-five years controversy conviction would alight on the minds of either party, he must have more confidence in the candour of nations than of individuals. It had been said, that Lord Ashburton ought to have taken out with him the report of Colonel Mudge, and insisted upon Mr. Webster talking over the line with him; and that it would have been impossible for Mr. Webster to resist the arguments adduced in that report. He believed that had Lord Ashburton done so, the answer of the Americans would have been, we have a Mudge of our own upon whom we rely. The Americans had, on their part, had the territory examined by commissioners of their own who had laid their claims to the whole of the territory as decidedly as our commissioners, and what would have been the result of this conflict between the reports? Would either party have altered their ground, or changed their pretensions, and was it not on the contrary more likely that it would have added to the intricacy of the controversy, and tended to protract it? On these grounds it was impossible to expect a more satisfactory conclusion to the negotiation which the noble Lord, the Member for Tiverton, had carried on for the ten years he was in office. Lord Ashburton seemed to have proceeded on the basis of the award of the King of the Netherlands, and had got better terms than were contained in that award. It had been admitted on both sides, that the value of the territory was not of importance. Now what really was of importance, and injurious to us, in the King of the Netherlands' award was, that it brought the American line nearer to Quebec than was convenient. That was the only military danger to be apprehended, according to the line so drawn out by the King. Now, the only alteration made by Lord Ashburton in the line of the King of the Netherlands was, the keeping the Americans as far from Quebec as if we had the whole of the disputed territory in our possession. That secured the only important point at issue between the two countries. It had been alleged, that the Americans had gained by the concession of the navigation of the St. John. But there had not been a concession of the navigation of the St. John. We had not given the Americans a general right of navigation; we had simply given them the right of floating their timber down the river, and they had no power of bringing their produce up it. Nothing but timber in logs could they float down the river; for though the words of the treaty might give them a power to bring boats or vessels down the river, the falls of the St. John and the Roostook would completely prevent the passage into our territories of any American vessels. But had there been no concessions of a similar nature on the part of the Americans? Hon. Gentlemen seemed to have forgotten the concessions made with respect to the navigation of the St. Lawrence. The navigation of that river was impeded by rapids for a considerable distance near the Long Sault and Barnhart's Islands. By treaty each party had the right to navigate its own side of the river, but it happened that the American side was navigable and the other was not, and, consequently, the St. Lawrence was during the dry season closed against British vessels, or open only by permission of the Americans. Now, setting the navigation of the one river against the navigation of the other, he thought that a perfect equivalent had been obtained on the St. Lawrence for all that had been conceded on the St. John. Taking, therefore, the negotiation as Lord Ashburton found it, he could not by any means concur in the opinion, that the whole advantage was on the side of the United States. On the contrary, it appeared to him, that the concession was on the side of the United States, and the advantage on that of Britain. Much blame had been cast upon the noble Lord for the cession of the Madawaska settlement. He had been blamed for in the first place demanding this settlement and then yielding it. But he thought it had been laid down as a principle that a negotiator ought to begin by asking more than he intended to get. Lord Ashburton proceeding on the award of the King of the Netherlands, which made the St. John's the boundary for a certain extent, had attempted to deviate from that line, in order that the Madawaska settlement, which consisted of a few houses, scattered about fifty miles along the St. John; and about 1,000 of the people there should be brought within British territory. He must confess that he thought Lord Ashburton's error here had been for asking too much: for he did not think it reasonable to expect, that for purpose of leaving these few settlers within our jurisdiction, the Americans were to give up the whole of the valley of the St. John. We might be right in trying to get as much as we could, but we ought to be satisfied with not having sacrificed anything unreasonable, by having the line of the St. John kept, and these settlements given to the United States. Great blame had been cast upon Lord Ashburton on account of what was considered a want of a proper tone of diplomacy in his negotiations. But looking at the papers which had been laid before the House, he felt no reason to consider that either the interest or the honour of the country had suffered, although the tone of Lord Ashburton's negotiations might not have been so diplomatic as was usually observed. Mr. Webster might, indeed, have on some occasions showed eagerness and adroitness in appearing to catch hold of what he considered certain slips of phraseology on the part of the noble Lord; but it appeared to him, on the whole, that the terms of the noble Lord's negotiations were worthy of the representative of a great nation, knowing its own strength, and not seeking to accomplish more than what justice and right warranted it to demand. The observations which he had felt it his duty to offer on the present occasion had been somewhat long, but he was anxious to express the reasons of his vote, in order that he might defend himself against the charge of viewing the acts of the present Government with too much favour. But this was an occasion on which he hoped every hon. Gentlemen could be entirely free from party feeling. The interests of two great nations were involved in the negotiations; and he hoped that the House and the country would show that they prized the great boon of peace which those negotiations had secured, by endeavouring to take advantage of them to allay all disputes between these two great countries, and to establish such relations between England and the United States, that those mutual differences which had from time to time estranged them should never again threaten the amity that ought to exist between them, and threaten with that amity the peace of the whole world.

Sir *J. Hanmer* attached quite as much value to the treaty as the hon. and learned Member for Liskeard, or any other hon. Member, but he was most strongly opposed to the establishment of such a precedent as the motion of the hon. Member for Montrose would create, if it were agreed to; and the only reason why he felt it necessary to address a few sentences to the House was, lest it might be supposed, that in the vote which he intended to give, he indicated the slightest disrespect or want of esteem for the noble Lord who negotiated the treaty which was the subject of the motion. He could not support the motion of the hon. Member for Montrose, for he did not think that the establishment of such a precedent was a matter to be treated lightly, and he felt curious to know what arguments the Government would advance as inducing them to acquiesce in such a course. He should be inclined to set equal value on other treaties, for example, on a treaty with France, and did it follow, he would ask, in case a treaty were concluded with France, which they might all approve of, that they were in the House of Commons to pass a vote of thanks to the ambassador who negotiated that treaty? If they pursued that course, the effect of it would be to draw distinctions between the relative importance of treaties with different nations, which would be most inadvisable. He was not disposed to enter into the particular merits of the treaty, and he entreated the House to recollect that the advantages gained by it were quite beside the question. He objected to the establishment of the precedent as one which, if adopted, would produce the greatest possible inconvenience; and with that view, he protested against it, although he would yield to no man in the respect which he entertained for Lord Ashburton.

Lord *Stanley* had been in hopes that some of those hon. Gentlemen who had on a former occasion been anxious to censure the conduct and proceedings of the noble Lord whose merits in reference to his negotiations with America were now under consideration, would have addressed the House after the able speech of the hon. Member for Liskeard; and that he should have had an opportunity of replying to attacks made in the course of the present evening on the conduct of Lord Ashburton; but, as the hon. Gentlemen did not appear to be disposed to-night to reiterate those censures of which they were so lavish on a recent occasion, when there was no question before the House on which the House could, according to the terms of the motion, decide as to the merits of Lord Ashburton, he felt called upon to say a few words, particularly after the speech of the hon. Member for Hull, in which he adverted to the extraordinary and unprecedented character of the present motion. That it was an extraordinary and an unusual motion, that it was a motion for which, strictly speaking, no precedent could be found, he admitted, and he was willing to admit further, that if nothing else had taken place in the commencement, or early part of this session, her Majesty's Ministers would not have proposed a course like the present, nor have given their sanction and support to a motion departing from ordinary precedent, in voting the thanks of the House to the negotiator of a treaty, in however distinguished and able a manner he might have conducted his negotiations. If the hon. Member for Hull had obliterated from his recollection that which had passed on a previous occasion, the House surely had not forgotten a certain motion which was made, the manner in which it was made, and the speech which was delivered in its support. The House, therefore, would not be surprised to find that those who were anxious for the honour of Lord Ashburton, and still more for the honour of the country and the Crown, were not disposed to suffer such a motion and such a speech, coming from such authority, to pass without reply, and without giving the House an opportunity of expressing its sense as to the value of the services conferred by Lord Ashburton. If Lord Ashburton was indebted to any one more than another for the extraordinary and unprecedented honour of having the thanks of that House given him as the negotiator of a treaty with the United States, the person to whom he was mainly indebted for it was the noble Lord the Member for Tiverton, on account of the unfair, and he must say, the ungenerous attack made by that noble Lord on Lord Ashburton. It was to this unjust and unwarrantable attack that Lord Ashburton was indebted for the existence of that public feeling in the country which had induced an hon. Member, not connected with the Government, and actuated only by a sense of justice towards that noble individual, to come forward and, stepping out of the ordinary course, propose a vote of thanks to Lord Ashburton. The right hon. Gentleman the Member for Northampton was mistaken in saying that if the House had not been counted out on a former occasion, and the hon. Member for Montrose thereby prevented delivering a speech upon this question, the present motion of a vote of thanks to Lord Ashburton would never have been heard of. Why, before the House was counted out —before that singular proceeding had taken place—before the noble Lord (Lord Palmerston, the Member for Tiverton) had manifested his extraordinary disappointment at that interruption to the proceedings he had originated,—before that time the hon. Member for Montrose had given notice of his intention to move an amendment upon the noble Lord's motion; and, although her Majesty's Government had not declared their intention to move an amendment upon a motion for papers, yet they had told the noble Lord that if instead of moving for papers, some of which were in his own possession, and the rest of which he knew would not be granted, he would submit a vote of censure upon the man on whose course of conduct the noble Lord made an attack by an indirect motion for papers — if instead of that course the noble Lord had come forward with a decided motion, ay or no, censuring the negociator, her Majesty's government told the noble Lord they would not meet his motion with a simple negative, but would call upon the House to affirm its approbation of the treaty which that negotiator had effected. To that course the noble Lord had now been driven by the motion of this evening, which was a compliment and a course alike due to the steps taken by the noble Lord referred to and to the sense, on the part of the country, of the injustice which otherwise would have been done to a man so attacked, if no opportunity were given to the House to express an opinion of his conduct adverse to that to which on a former evening the noble Lord had given utterance. To-night, however, the House had been told that there was nothing much in the treaty to be found fault with; it had been said that the treaty was not to be applauded, but at the same time it ought not to be rejected. The hon. Member for Stafford (Mr. E. Buller) had said,

> "With regard to the terms of the treaty, I do not find fault with them; I do not praise, but I am ready to accept them. On the whole, I think the arrangement may be good."

But what had been stated the other night when this subject was under discussion, by a right hon. Gentleman a late Cabinet Minister, whose observations were therefore received with considerable weight? The right hon. Gentleman had told the House in the course of the attack which he had made upon the noble Lord whose treaty he assailed, and to which attack there had as yet been no opportunity on the part of the Government to give an answer, that there never had been a greater stain cast upon British honour in the whole course of Britsh diplomacy. Were these unmeaning words? Was the treaty bad to which no objections beyond those he had stated was now attempted to be raised? [Mr. *Macaulay*: I spoke of the despatches, and not of the terms of the treaty.] He was peaking at a distance of three or four weeks since the right hon. Gentleman had addressed the House, and he regretted from the turn the debate had on that occasion taken, he had been deprived of an opportunity of answering at the time some of the observations which the right hon. Gentleman had then made; but he certainly had understood the right hon. Gentleman, rather speaking of the terms of the treaty than the language of the despatches, to have said that a greater stain had never been cast by British diplomacy upon British honour than had been cast upon it by Lord Ashburton's treaty. Now, he contended that these were terms and expressions to which neither Lord Ashburton nor her Majesty's Government ought to submit in silence, and he rejoiced that the hon. Member for Montrose had given the Government an opportunity of answering that attack. Was it the opinion of the House that such a stain had been cast, that such a disgrace had been inflicted, that such a discredit had been thrown upon the conduct of the negotiation for the treaty, or was it the opinion of the House that the treaty and the negotiation redounded alike to the honour and advantage of the country and of the negotiator? That was the issue which the noble Lord (Lord Palmerston) forced the House to try; and then the noble Lord and right hon. Gentleman near him did not rise to oppose the present motion on those grounds, but having on a former occasion made speeches against the treaty and its negotiator, were to-night content to say, that a vote of thanks in such a matter was an unprecedented proceeding. It might be true, that a more signal achievement might have been gained, as on a former occasion—it might be true, though he doubted whether it were that treaties involving more important consequences had been concluded; but this he would venture to say, that no treaty had ever been concluded between two nations with greater mutual harmony or with greater mutual advantage, or with respect to which, if dissensions had arisen, those dissensions would have been more mutually suicidal, than this treaty between this country and the United States of America. [Mr. *Macaulay*: Mutually suicidal!] The right hon. Gentleman was a great critic. If the expression "mutually suicidal" was not quite correct, at least it would be generally intelligible. If a war could arise between this country and the United States, not a blow could be struck by the one against the other which would not recoil upon itself, and while that blow might inflict an injury upon the foe, it would be productive of an equal injury to the assailant. The expression he had used, did not therefore call for the hypercriticism of the right hon. Gentleman. He repeated, that if there had been more important treaties achieved, there never had been a treaty entered into under circumstances which promised less favourable results; there never had been one beset with greater difficulties, there never had been one in which the negotiator had found prepared for him greater difficulties to surmount, difficulties insuperable. It had been made matter of complaint, that, despite this treaty, there still remained subjects of disputes, and differences between the United States and this country. He trusted, it could hardly be said that was the case; but he asked the House not to look at the geographical advantages to be gained, and the objects mutually satisfactory to the two countries, achieved by the treaty, without leaving any unpleasant or unfriendly feeling behind; but he asked the House to look at the difficulties under which the treaty was entered upon by the negotiator, and at the position in which the noble Lord, (Lord Palmerston) after an effort of ten years' duration, had finally left the relations between this country and the United States. Had the noble Lord advanced a single inch in any of those questions, or indeed any other, at the time he left office? There was the question of the Caroline; there was the question of the right of search: and there was the boundary question; all three questions were left unfinished, sending some beyond despatches on the subject by the noble Lord. Now, with regard, in the first place, to the question of boundary. He should not enter upon the question of geographical territory or boundary, because it had from the first been admitted that Lord Ashburton had ultimately with respect to it, obtained better terms than the noble Lord (Lord Palmerston) had been ready to concede, though Lord Ashburton had been guilty of a departure from that diplomacy by which the noble Lord had so successfully protracted the negotiations without any beneficial effect. It appeared, notwithstanding that want of diplomacy, that somehow or other Lord Ashburton in a few months obtained the assent, not only of the United States, but of the states of Maine and Massachusetts, to terms more favourable, to boundaries more successful, and to limits more satisfactory in a military point of view than the noble Lord opposite had unsuccessfully pressed upon the American Government to accept. A great deal had been said in the course of the debate upon the subject of the surrender of the Madawaska settlement. He regretted as much as any man that it had been found necessary to surrender a settlement containing a population, however small, which desired to remain under the protection of this country. But the noble Lord had forgotten that this settlement lay upon the south side of the St. John, and had even been offered to the Americans by him under the award of the King of Holland, and that he had spent between two and three years in urging, begging, and entreating the United States to take and adopt the award of the King of Holland, Madawaska, and all. To this point, he must shortly advert. The noble Lord had the correspondence, and strongly urged the importance of keeping the Madawaska settlement, and the noble Lord had said it ought not to have been given up, because Mr. Webster declared this country should not have it. But now the noble Lord urged that the recent negotiator ought to have maintained that claim, and that then there would have been something to give up in accordance with the noble Lord's strict rules of diplomacy. Then, said the noble Lord, the game would have been properly played, and he should have nothing to say against the sense or the skill of the negotiator of the treaty. But the House had been told, that the moment Mr. Webster said, "You must not think about that," whatever Mr. Webster asked, Lord Ashburton at once surrendered. But what was really the case? A proposition with regard to territory had been made by Mr. Webster, and what had been the tone of Lord Ashburton's reply? Was it in that humble and submissive tone which the noble Lord opposite had described? Mr. Webster had told Lord Ashburton that if he departed from the boundary of the St. John's, and surrendered a strip of land, he could enter upon negotiations with him. What had been Lord Ashburton's answer?—

> "This strip I have no power to give up, and I beg to add, that the refusal of my Government is founded simply on their objection to dispose arbitrarily of the persons and property of her Majesty's subjects living by preference under her authority, an objection which you are sensible applies with peculiar force to the inhabitants of this part of New Brunswick. I had hoped that the other equivalents which I had offered, combined with the sense entertained by the government of the United States of the pressing importance of the case, on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but, perceiving from your note, as well as from personal conversation, that concession on this point is insisted upon, I might be disposed to consider whether my anxious desire to arrive at a friendly settlement would not justify me in yielding however reluctantly, if the latter part of your proposals did not, if finally persevered in, forbid all hope of any settlement whatever. The boundary you propose, supposing the British territory not to come over the St. John, is to run from the north side of that river three miles above its junction with the Madawaska, over an arbitrary line, which my map does not exactly permit me to follow, until it reaches somewhere the St. Francis. I need not examine this line in its precise details, because I am obliged frankly to state that it is inadmissible."

Was that a surrender? But now among the difficulties which surrounded Lord Ashburton there were some of a peculiar character which ought not to be forgotten or lost sight of. After the award of the king of Holland had been rejected by the United States, the noble Lord opposite had applied for a new boundary line, and Mr. Livingstone, then Secretary of State in the United States, had on the other hand offered to find a line which would not conform to the original terms of the treaty, but which varying from the north to the north-west, should indicate the Highlands described in the treaty. To this the noble Lord had replied:—

> "I cannot concur to your proposal, because that line may go to the north of the St. John's, and because you have told me already, that you cannot accept the award of the king of Holland because it is not according to the terms of the treaty."

The noble Lord then had refused the negotiation even for a conventional line of boundary, and the last legacy the noble Lord had left to his successors was the draught of a convention prepared by the noble Lord, a counter draught proposed by the United States, and rejected by the noble Lord; and lastly, a proposition to the United States to appoint a joint commission to explore the already explored territory, for the purpose of accommodating it to the terms of the treaty, which all parties had declared to be unintelligible; and if this commission could not agree, they were to call in the aid of three friendly Sovereigns, who were to appoint three scientific men, which last three were to determine the boundary line—meant by the treaty. That was precisely the state in which the noble Lord, after twelve years of diplomacy, had left the boundary question. To the contentional line it was clear long before, that the states of Maine and Massachusets would not agree, and hence Lord Ashburton had not been a negotiator with another government only, but the plenipotentiary of this country to the federal government, which required the consent of subordinate states, to every step that was taken in the negotiation; and Lord Ashburton had not only to come to an agreement with the government of the United States, but to obtain the consent of the separate government of Maine and Massachusets. All these difficulties had been aggravated by long delay. The states of Indiana, Ohio, Illinois, and others, had at this moment been passing resolutions declaratory of their determination to maintain the rights of Maine and Massachusets against the unjust conduct of the British Government; and it was natural, that in a country so easily excited by popular influence, fresh states were coming in day by day with fresh declarations to maintain the American claims in all their integrity. In this position it was that Lord Ashburton entered upon the negotiation, and in this position it was that he had won a better line of boundary—a territory more extensive and more defensible in respect of military operations, and better adapted for carrying on a communication between Quebec and New Brunswick. Notwithstanding all these difficulties, notwithstanding his want of diplomatic practice, Lord Ashburton in less than six months had concluded a treaty mutually satisfactory to the United States and this country. That it had not not proved satisfactory to all parties he was ready to admit. There were persons in America disposed to take as extreme views as the noble Lord, and Governor Fairfield took as exaggerated views of the American claims as some hon. Gentlemen opposite took of the British. In his message to the legislature of Maine, after the treaty had been concluded, he expressed the deep disappointment, almost indignation, with which he viewed the terms of the treaty, terms which he alleged sacrificed the rights of Maine and Massachusets. All, he said, had been given up by the United States, and only fair words and compliments by the British. That was the way in which the Governor of Maine spoke of the treaty; while, on the other hand, the legislatures of Canada and New Brunswick were congratulating their respective governments on the termination of a protracted struggle, and the obtaining of a treaty highly beneficial to their own local interests. Above all, none expressed more strongly, because none felt more strongly the advantages of the treaty, their satisfaction, than the state of New Brunswick. They praised a condition which was stigmatised by hon. Gentlemen opposite, that which permitted the floating of American produce down the St. John, as conferring signal benefits on their commerce. But he would pass from the question of geographical boundary, as an exhausted subject, to other questions not of less importance—not leading to less fear of a rupture of our amicable relations than the question of the boundary itself, although, be it remembered, that during the protracted struggle of the noble Lord, the Americans had step by step, been encroaching until at the time Lord Ashburton went out they had actually built a fort on the disputed territory. He would proceed to more important points, and ask if the noble Lord opposite had left no other questions unsettled. An hon. and gallant Member who had spoken to-night had referred to the right of search and to the right of visit, and had told the House that her Majesty's Government had left those questions unsettled. The right hon. Gentleman the Member for the city of Edinburgh (Mr. Macaulay) on a former occasion had said, that the Government had left those questions in a worse than unsettled state, because they had taken precisely that step which was most likely to lead to a sudden rupture between the two countries, when those countries had sent out two fleets to co-operate together in the suppression of the slave-trade, and the noble Lord opposite had very lately declared that that portion of the treaty of Lord Ashburton was a step in retrogression, and so far from an advance was a retreat from the position formerly occupied by this country as to the right of visit. The noble Lord had not always been of that opinion. [Viscount *Palmerston:* I said it was an abandonment of the treaty of Ghent.] He was not aware that it was so; the stipulation was, that the two Powers should co-operate together. [Viscount *Palmerston*: Should use their best endeavours.] Should use their joint endeavours for the suppression of the slave-trade, and all their influence to induce other nations to follow their example. He asked the noble Lord if that were an abandonment of the treaty of Ghent, and he should further like to know from the noble Lord what the steps were which he took while in office for the accomplishment of that treaty. Then again, another difficulty in the way of Lord Ashburton arose from the terms in which the noble Lord had couched his despatches—terms which had given great offence in the United States. Indeed, the continued excitement on the question of the slave-trade had been owing to the insulting terms in which the noble Lord had insisted upon rights which in no degree had been abandoned by Lord Ashburton. Lord Aberdeen did not think it necessary to tell the American government in a public despatch that the English Government was not bound to take notice of every bit of bunting sewed into the form of an American flag, thus complicating a question of infinite delicacy by using language calculated to excite strong and jealous feelings on the part of a powerful and sensitive nation. But Lord Aberdeen did address to the American government, within one month after those observations of the noble Lord to which he had just called attention, a statement specifying distinctly how Great Britain claimed, and intended to exercise the right, not of search, but of visit—how Great Britain claimed, not the right of searching American vessels, but the right of visiting, without unnecessary delay or unnecessary and undue detention, and not without reasonable cause of suspicion, vessels professing to be American, but which there was reason to believe were falsely assuming the American flag. That was the claim of Great Britain; a claim which was not, had not been, and would not be abandoned by the British Government—a claim which had been put forward firmly and temperately by Lord Ashburton, with the admission, if they pleased to call it so, in the terms made use of by Mr. Calhoun in the American senate, that the right was one which should be exercised at the peril of the party exercising it; and if by undue detention, if by a detention without a reasonable ground of suspicion, a British vessel stopped or delayed an American trader proceeding upon a legitimate commerce, or proceeding even upon an illegitimate commerce which we had no right to control, Lord Ashburton admitted, and he was sure that House would always be ready to admit, that in that case the American government would have a right to claim, and that we would be ready to make compensation, not for the exercise of the right, but for the abuse of the right which we claimed. The right hon. Gentleman the Member for Northampton said,

> "Oh, yes; but I was surprised to find that these were part of the terms upon which Lord Ashburton was desired to negotiate in the instructions he received from Lord Aberdeen."

Now when were those instructions given? They were given simultaneously with the instructions contained in the despatch to Mr. Everett, who transmitted that despatch to Mr. Webster, and they had Lord Ashburton's declaration in his place in the House of Lords, that upon entering into the subject with Mr. Webster, Mr. Webster did not hesitate to say, that upon that point he had nothing further to do, as Lord Ashburton in his despatch had set the question at rest. That was the admission which put a stop to the necessity for any negotiation on the subject, and so the matter rested. Lord Ashburton's declaration was admitted to be satisfactory, and although the United States did not concede the right, he believed conscientiously that practically there was little or no difference in the interpretation put upon that right by the two countries. The noble Lord thought, that this was a step in the wrong direction. He admitted, that it would be more satisfactory if the United States had frankly said, " we concede to you the right of visit." But, the question stood thus:—The mutual limitations imposed by the two countries had removed all practical differences between them. The United States did not in terms recognise the right; but they agreed, that the " visits " might be exercised subject to certain conditions as to reparation for undue suspicion or detention; but they said,—

" Although we will not recognise your right we will take steps, which we think most important steps, in the form of endeavours towards realising the object in view—namely, a combined effort for putting down the slave-trade; and, therefore, to avoid a case occurring in which one of your cruisers should stop an American vessel we will ourselves send a fleet to assist your vessels, and in the event of our meeting with a vessel suspected of falsely bearing American colours, on us and not upon you will be the task of satisfying ourselves as to that fact."

Now, did the noble Lord really assume, that this was no advance towards the settlement of the question—towards the fulfilment of the treaty of Ghent? If so, the noble Lord was certainly not of that opinion in 1839. Let the House hear what were the directions of the noble Lord in that year, as formally and officially communicated by Mr. Fox to Mr. Forsythe, for the purpose of carrying into effect the treaty of Ghent, and putting an end to the slave-trade on the coast of Africa. Mr. Fox communicated to Mr. Forsythe an extract from the report of the British commissioners of Sierra Leone, in which they say,—

" We will here only recommend one measure, to which America can offer no reasonable objection. It is, that a small force of brigs, brigantines, or schooners-of-war should be sent on this coast by the American government, each of which should cruise and visit the slave-trading rivers and stations in company with one of our vessels."

It was clear from this, that the commissioners had no fear of collision. They continued to say,—

" Cruising singly would have comparatively little effect, as the same vessel which would show American colours and papers to a British officer might show Portuguese or Spanish papers and colours to an American officer. The crews of such vessels are always composed of Spaniards, with the exception of one American, who in the presence of the British cruiser of his own nation would declare himself a passenger, and would probably produce a passenger's passport from Havannah. Cruising in couples, on the contrary, would remove the possibility of such evasion. If the American flags and pass were assumed by a slaver she would be taken charge of by the one, and if she declared herself, or if she could be proved to be, Spanish, Portuguese, or Brazilian, she would be a prize to the other man-of-war. At present, however, the coast swarms with vessels apparently American, and a rich harvest of prises would follow the arrival of a squadron of American cruisers armed with authority to capture on the ground of equipment."

So much for the commissioners. Now Mr. Fox, in pursuance of the noble Lord's instructions, wrote as follows:—

" The undersigned earnestly invites the attention of the United States government to the remarks and suggestions of her Majesty's commissioners at Sierra Leone above cited. Those gentlemen possess a thorough knowledge of the frauds and devises resorted to by the miscreants who now carry on the illicit slave-trade; and they are the best possible judges of the means which ought to be employed to counteract them. The earnest wish of her Majesty's Government to obtain the concurrence of the government of the United States in an agreement for the exercise of a mutual right of search, under proper regulations, is sufficiently well known. If this concurrence cannot be obtained, the employment along the slave coast of a combined force of British and American cruisers upon the plan above suggested by the British commissioners would no doubt effect a speedy and material diminution of the trade."

It was therefore very plain, that in 1839 the noble Lord earnestly directed Mr. Fox to press upon the American Government what, up to the present time, the noble Lord had not been able to obtain, or towards obtaining which he had not been able to make a single step in the right direction; but which had been secured from the American Government by the treaty of Lord Ashburton, and which, upon being secured, the noble Lord turned round and said, was a step in the wrong direction. Another question of no less importance than the others was that of the Caroline, and the detention, arrest, and trial of Mr. M'Leod. Hon. Gentlemen who were then in the House would recollect the excitement—he would not hesitate to say, the apprehension which that question created in the country—no unworthy apprehension either—for unworthy it could not be in a country which shrunk with horror from the prospect of a war, and especially of a war between countries which were united by so many ties of intimate relation. He did not hesitate to say, that there never was a time when the peace of this country and the United States was more seriously endangered than by the proceedings which were carried on for a period of above twelve months, while the noble Lord held office, owing to the non-settlement for two years and a half of that much disputed question of the Caroline. That question had been put an end to; and he thought he might say satisfactory. Lord Ashburton made a declaration, or if they wished to call it so, an apology, couched in termes to which he considered that no objection could be taken. Lord Ashburton expressed his regret that circumstances of an imperative nature, and the law of self-preservation, had imposed upon England the necessity, from which there was no escaping, of committing an act which he did not hesitate to admit was a violation of the territory of the United States. The violation of the territory of a neutral power must be looked upon with feelings of regret, and as an act which called, at least, for a friendly explanation. In making that explanation, Lord Ashburton vindicated the acts as having been called for by the great and ruling principle of self-preservation. He expressed his regret at the act, and at the same time he justified it. The American government was satisfied with his explanation and apology. For the want of it during two years and a half, the two countries were placed in continual danger of collision, and were always on the point of going to war. They were placed, he might say, in a still worse position, for they were not only on the point of war, but the population on both sides of the frontier were gradually breaking away more and more from the control of their Governments, and the time was fast approaching when that control could no longer be exercised. All this was because the noble Lord had hesitated to do justice, on the one hand, to the gallantry and bravery of his own officers, and, on the other, to make the reparation which was due to the wounded honour and violated territory of the United States. What had followed? In consequence, a British subject had been arrested and brought to trial, and had pleaded in vain as a justification the orders of his own Sovereign and country. The American government had admitted in vain the justice of the plea; before, not the supreme tribunal of the United States, but before a subordinate court of justice, had Mr. M'Leod been brought to trial, and, but that the evidence had failed in substantiating his presence on the occasion, a British subject would have been condemned to death for acting, when war was raging on the frontier, in obedience to the commands of his superior officer and sovereign. That question had been left undetermined by the late Administration. Did Lord Ashburton leave that unsettled? No. And, he must say, a more unfair, or more unwarrantable statement had never been made, than was made by the right hon. Gentleman (Mr. V. Smith) in commenting on the tone in which this negotiation had been conducted. He said:—

> "Read Lord Ashburton's language, when imputations were thrown out against the honour of this country by the state of Maine, and see how humbly he takes the imputations cast upon this country."

And the right hon. Gentleman quoted this passage from Mr. Webster's statement:—

> "In answer to your Lordship's questions, towards the close of your note, I have to say, that the government of the United States holds itself, not only fully disposed, but fully competent, to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign governments, their citizens, or subjects."

These words were used by Mr. Webster, but how? Lord Ashburton was calling on him to bring forward a particular remedy for injustice, and he said:—

> "I trust you will excuse my addressing to you an inquiry whether the government of the United States is now in a condition to secure

in effect and practice (the principle was never denied in argument) the principle that individuals acting under authority are not personally responsible."

In answer, Mr. Webster said:—

"We are ready, and willing, and able to give effect to law and justice."

And he added:—

"It was a subject of regret that the release of M'Leod was so long delayed."

And told them of legal difficulties that had stood in the way. In such a case the remedy in this country would be easy. But there was no remedy in America, and the case being made out, Mr. Webster had not confined himself to expressions of good will, but the Congress of the United States, at the recommendation of Mr. Webster, had passed a law by which jurisdiction in such cases for the future was taken from the local courts, and vested in the supreme court. These were the points which Lord Ashburton's treaty had obtained. He had obtained a boundary more extensive and more satisfactory in a military point of view than that which the noble Lord had over and over again admitted that he was willing to accept. He had settled in a satisfactory manner, the question of the Caroline; and if any Gentleman asked him (Lord Stanley) what was the feeling which existed in America on this subject, in answer to what the right hon. Gentleman had said, "that Lord Ashburton had left behind him an unfriendly feeling on the part of the United States?" he would give one fact which which was worth a dozen expressions used in the heat of argument—that the American army had been reduced one-third of its whole number on the conclusion of the treaty. Then Lord Ashburton had led the Government of the United States to cooperate with him in using their endeavours to fulfil the treaty of Ghent, to an extent which the noble Lord had never been able to accomplish; and had obtained an assurance by an act of Congress, that for the future no British subject acting under the authority of his Sovereign, should be handed over for any violation of American law, to the local courts and inferior tribunals of that country. These four great points Lord Ashburton had settled and secured. By securing them he had removed out of the way questions of danger and difficulty which had been gradually becoming more and more embittered under the unsatisfactory diplomacy of the noble Lord, and which at the time of Lord Ashburton's mission threatened the most serious consequences to the peace of this country and of the world. Lord Ashburton had made no concessions disadvantageous to the interests or to the honour of this country; and the reward that Lord Ashburton had met with for having done this and brought this treaty to so satisfactory a conclusion, was a party motion aimed against him—a mere motion, of course, for papers, had been used as a vehicle for heaping upon Lord Ashburton the most unfounded slanders and bitter accusations from the mouths of men who for years had taken a leading part in the councils of the country. He rejoiced that the House and the country would not submit to that injustice being practised upon Lord Ashburton. It was because that injustice had been attempted, that the present course, however unusual, had been taken by her Majesty's Government —a course which her Majesty's Government would not have taken under other circumstances, and the opinion of the House having been invited on Lord Ashburton's conduct, he trusted the House that night, by supporting the motion, would tell this country, and tell America, that they viewed with satisfaction, with no unworthy exultation, but with honest rejoicing, the prospect of continued peace, and gave due honour to the statesman by whose ability as a negotiator these results had been obtained.

Lord *J. Russell:* I must own, Sir, when I consider the noble Lord's speech, from its commencement to its termination, my surprise is not so great that the noble Lord should vote in favour of the motion for the approval of Lord Ashburton and of his treaty, as that none of the Members of her Majesty's Government should have thought proper to propose a vote so necessary as it would appear for the vindication of Lord Ashburton's honour. "What? Lord Ashburton's honour—your own negotiator—he who has made so successful a treaty, and he who has sacrificed so much to obey your commands, and who has brought so much credit to your Administration, wounded by unfounded slanders, and by men who had held high places in the service of the sovereign, and you never think of making a motion for his defence—of repairing his tarnished honour?

You never think of doing away with those unfounded slanders till an hon. Gentleman comes to your help, who is so little disposed himself to maintain the domination and reputation of this country, that he was the intimate correspondent of one of the chief rebels in the Canadas, and was wont in that familiar correspondence to denounce 'the baneful domination of the mother country?' Unless that hon. Member had come to your help, unless he had avowed that the reputation of Lord Ashburton was dearer to him than to you, that it was as dear to him as the reputation of Mr. M'Kenzie himself, and that therefore he thought it necessary to bring forward this motion, you would have left Lord Ashburton with his honour stained, and exposed to all the effects of 'unfounded slanders from persons who lately held high stations in the Government,'" for such is the result and summary of the speech of the noble Lord from its commencement to its end. The noble Lord has not attempted to explain why none of her Majesty's Government have thought it necessary to make any motion of this kind. There have not been on former occasions with regard to ordinary conventions—nor with regard even to conventions of very great importance where a war was threatened, any such proposal made to the House for a vote of approbation, or any opinion called for as is now proposed by the hon. Member for Montrose. But where such has been the case, as in the instance of Nootka Sound, where the Government thought it proper that a vote of approbation should be called for, and where the Opposition did not agree to it, the persons who had brought forward that motion were in the confidence of, and connected with, the Administration of the day, and were manfully supported by the Administration. In the case of Nootka Sound, a Member of this House thought it sufficient to move the adjournment of the House, as an amendment to the motion. My hon. and gallant Friend, the Member for Marylebone, has taken the same course to-night, and to meet the proposition of the hon. Gentleman it seems to me the best course to take. For the hon. Gentleman, when asked for a precedent for the course he took, could find none more apposite than the thanks voted by the House to the sheriffs for the spirit they had shown in burning No. 45 of the *North Briton* at the Royal Exchange. And this precedent is that which the House is now called upon to take, in thanking the Government and Lord Ashburton for the very excellent treaty which that noble Lord has concluded, and for the admirable settlement he has made of our differences with the United States. The hon. Member for Montrose has not, I think, been very successful in his researches in the journals of the House for a precedent for this motion, at least we must presume, as none have been brought forward, that the journals do not give any precedent for such a course. Undoubtedly there are other precedents, and some of of those the hon. Member has referred to, though they do not bear out his case, and there are precedents where a motion of censure has been proposed by some party in the House, as in the case of Lord St. Vincent, where the Government have thought it necessary to come forward and vindicate the party attacked by a direct vote of approbation. But in this case no vote of censure has been proposed; all that is complained of by the noble Lord (Lord Stanley) is that my noble Friend (Lord Palmerston) and my right hon. Friend, the Member for Edinburgh (Mr. Macaulay) have been audacious enough to make speeches in this House, in which they have commented upon the course taken by Lord Ashburton in respect to the treaty effected by him with the United States. The noble Lord, in thinking those speeches justify the unusual course of a vote of approbation, has paid a high compliment to my noble Friend and my right hon. Friend, the Member for Edinburgh, because he must have felt that the speeches were so full of argument and so unanswerable, that the only way in which he can do away with their effect is to pass rosolutions of both Houses of Parliament—resolutions entirely without precedent—approving of the conduct of the noble Lord whose conduct was so commented upon. Now, Sir, with regard to the questions of which Lord Ashburton has made so admirable a settlement. The first of those questions is that relating to the right of visit. The noble Lord (Lord Stanley) tells us that Lord Ashburton acted in accordance with his instructions on this subject, and has made a satisfactory arrangement with the United States in respect to it, and the noble Lord quoted the instructions given by my noble Friend (Lord Palmerston) to Mr. Fox to submit certain propositions to the United States' Government, as a proof that that settlement was also in accordance with the views of the late Government. It is true that Mr. Fox was desired to communicate to the American government the suggestions of the commission at Sierra Leone—viz.; that to prevent any chance of collision in regard to the right of visit, and at the same time to put an effectual check to the slave-trade, that an English and an American squadron should cruise together. That is true; but the noble Lord and the Government of which he is a Member—that Government which so generally adopts our measures—have, in endeavouring to follow us in this instance, not quite understood what it was proposed to do. What my noble Friend proposed through Mr. Fox was perfectly correct, and would have been most useful had it been agreed to by the American government—that was that as a preliminary step an American and an English squadron should cruise together off the coast of Africa; but Lord Ashburton treats directly with regard to the article in the treaty of Ghent for the suppression of the slave-trade, and inserts in a formal treaty an article to the effect that a certain number of English and American cruisers shall cruise together on the coast of Africa. Now does not the noble Lord see the difference of the two positions? What we say is, that if you insert in a treaty like that which Lord Ashburton has concluded an article providing that a certain number of cruisers shall be maintained, you must depend on the annual vote of Congress whether or not that article shall be adhered to, and if Congress should in any year refuse to grant the funds necessary for maintaining these cruisers, then you have to complain of the violation of a treaty. But if the arrangement depend merely upon a mutual agreement between the two Governments that both parties shall do a certain thing so long as both shall agree to do it, then if either party discontinue no breach of friendship occurs, and no risk is incurred of the interruption of peaceful relations. But there is another difference, and a more serious one, between the course pursued by Lord Ashburton and that of my noble Friend. My noble Friend contended and in this he is supported by Lord Aberdeen's instructions to Lord Ashburton, that the best means for putting down the slave-trade was the right of search, and my noble Friend urged that view successfully in the case of France, of Russia, and many of the other great powers of Europe, but not successfully with regard to the United States. They have always declared that they would never allow the right of search to be exercised in respect to American vessels—that they would not allow it even in regard to vessels suspected of being engaged in the slave-trade if sailing under the American flag. So long then as this remained a point of difference it amounted to this, that the American Government would not accept your proposal but when you make a treaty in the fulfilment of the treaty of Ghent, and give up your claim to a right of search as to American ships, you raise an objection in the minds of the powers of Europe with whom you have agreed that the right of search shall be exercised to the exercise of the right. "Why if this article, they may say, is sufficient to secure you against the slave-trade in the case of the United States, why is it not sufficient in our case also?" The noble Lord cannot be ignorant of this difference, for what were the complaints of France at the beginning of this year—what were the arguments which she with great reason urged? "Why are we," said France, "to consent to this right of search according to the treaties of 1831 and 1833, why are we to be bound by those treaties, when you, England, who demanded it, have allowed in the case of the United States, that instead of any such right of search, a squadron of crusiers kept up by that country to prevent the slave-trade will be sufficient?" We are all aware of the great excitement which was created in France on this subject, and that nothing but the great ability and the great prudence of the French minister enabled him to withstand the clamour raised in that country in consequence of this provision of the Ashburton treaty. But have you obtained this right of visit—have you advanced the settlement of that question which the noble Lord says was left incomplete by my noble Friend? Is it in a better condition now than it was then? When my noble Friend was office the right was asserted by England and denied by America. So it is now. Nothing can be more serious as showing the feeling of the United States on the subject than the letter which has appeared in the newspapers on the

23rd of March, from Mr. Webster, in which he states distinctly—

> "That if the claim to the right of search were insisted on by this country it would be considered as a trespass, and when attempted to be carried into execution force would be met by force."

And he puts an hypothetical question,

> "Suppose," says he, "a vessel does not choose to be detained, and resists the attempt to visit her, what would be the consequence? If any such right existed condemnation would follow such resistance; but suppose the vessel resists, force is opposed to force, and persons were killed in the conflict, what description of offence would be committed."

Now this is a serious question, which it is most painful to see as quoted from a despatch of the Secretary of the United States. We believe their claim to exemption is unfounded, but Lord Ashburton has not advanced us in any way in this respect. And the noble Lord appears to have made himself so little understood, that on the one side he asserts in the British House of Peers that Mr. Webster allows Lord Aberdeen's despatch was conclusive as establishing his position, while on the other hand we see the President of the United States and the Secretary of the United States declaring publicly in the Senate that they have made no concession whatever on this point. Then the noble Lord refers to the case of the Caroline, and without admitting that my noble Friend could have done more than he did when the case occurred, still I must say that the course adopted by the noble Lord (Lord Ashburton) was such as became him as a Minister of this country; but the noble Lord and those who argue with him are always endeavouring to make out that in regard to all questions pending between this country and the United States the difference was so great when the present Government came into office that we were on the very eve of war, and that that danger was dissipated by Lord Ashburton alone. Why, the case of the Caroline had been for some time quiescent. America had asked for nothing and had urged nothing. And as to the case of Mr. M'Leod, did the American government wait for Lord Ashburton to say that they did not permit a trial to take place for an offence committed by an individual, the subject of a nation on terms of amity with the United States, of which offence the government of that nation took upon itself the responsibility? I remember stating, in reply to a question put to me in this House, that Mr. Webster had written to the Attorney-general of the United States, and had laid down doctrines most likely to continue the bonds of peace and amity between the two nations; and stated that the United States government could not allow the party to be brought to trial, but that with regard to his seizure and detention, in the then state of the law of the United States, what had happened could not have been prevented; and the hon. and learned Member for Bath on that occasion illustrated the case by saying, what I believe was perfectly correct, that before wager of battle was abolished in this country by act of Parliament, a similar case might have occurred here as the Crown had it not in its power to grant a pardon when a party was challenged. So with regard to the central government of the United States, it could not, as the law stood, interfere to liberate Mr. M'Leod, but when M'Leod was acquitted, whatever government had been in office, it would have urged upon Congress the necessity of passing some general law in order that the peace of the United States with foreign countries might not be risked on similar occasions in future. I now come to the question of the boundary, and after all that has been said in respect to that question, I am by no means disposed to enter into all the intricate points connected with it. I must say I agree with much of the statements of my right hon. Friend the Member for Edinburgh. I do not know whether or not I adopt his words, but I agree with him that the tone of the negotiations and the manner of them, whether the object to be attained was of much or of little importance, were calculated to lower this country in the eyes of the world, and it is my belief that that has been their effect. I believe the mode of negotiation adopted by Lord Ashburton, and the concessions afterwards made by him, have tended to lower the high reputation of this country, and to induce foreign countries to suppose that if in negotiating with us they insist upon concessions being made to them, we either have not the means or the spirit to resist. In conducting negotiations of this kind, you are at liberty to take one of two courses, either that of proposing what you consider reasonable, but in regard to which you are nevertheless ready to concede something for the purpose of arriving at a speedy settlement; or you may take the other course, of at once laying down the terms beyond which you will not go, and propose an ultimatum. The usual mode is that which I first stated, and that might have been adopted in the case of the United States, but the latter mode was that in which with China, a country with which we were at war, Sir H. Pottinger was instructed to conduct his negotiations. He was required to lay down certain terms beyond which he was not to concede; but Lord Ashburton in his negotiations with the United States government has mixed up the two modes together in a manner that does affect the character of the country, because he in the end gives up that which he at the outset professes to be the ultimatum, beyond which the country he represented ought not to concede. In regard to the Madawaska settlement, in the first instance he says it would be criminal to give it up, and that Great Britain cannot consent to abandon the obvious interests of those who still wish to remain under her Government. If it had been proper to make the proposal, with the view of afterwards abandoning it if necessary, he should not have made it in those terms, or, having proposed it in those terms, he should not have abandoned it. And yet one of the first acts of Lord Ashburton after these terms were stated was to abondon this Madawaska settlement. I argued, on the first night of the present Session, that if he had abandoned it he should have done so only on the ground that it was obviously necessary to do so for the interests of peace, and that the St. John, being a clear river boundary, should be taken as the boundary between the two countries, to prevent collision between the inhabitants of either side, that line being easily understood. But Lord Ashburton said it was necessary for the interests of England to retain this settlement; but, replied Mr. Webster, "That may be, but we must have the river boundary." "I concede that," then says Lord Ashburton, "and we will take the river boundary, and we will neither of us cross it." "But," says Mr. Webster, "we must cross the river in another place; because it is convenient to us that we should do so." And this new demand Lord Ashburton concedes, as he does the other; so that neither in the one position nor the other does Lord Ashburton persevere. He neither preserved the Madawaska settlement nor the line of the river; and in so doing he took care to state the matter in such a way as to involve the character of this country for which he negotiated. No doubt, when first the news of this treaty arrived in this country it was considered an advantage; for the people harassed by these disputes, thought any treaty must be beneficial which settled the boundary question and some other matters in dispute. It was the same sort of feeling which Mrs. Primrose had when Moses Primrose came back from selling the horse and said he had got 3*l.* 5*s.* 2*d.* for it. "Well," said Mrs. Primrose, "3*l.* 5*s.* 2*d.* is a good sum after all, and no bad day's work;" but when it turned out that Moses had not got the 3*l.* 5*s.* 2*d.*, and that he had nothing but the gross of shagreen spectacles, then the whole family thought him a very bad negotiator, and were very much discontented with his bargain. Such, I believe, was the feeling of this country with respect to the negotiation. After long-protracted disputes the people were getting impatient for a settlement, but accounts continually arrived, stating that the boundary question was not settled. Therefore some satisfaction was felt when a different report was made; and people were glad to hear that the dispute had been settled in any way, without knowing whether there was a red line, or any other line, or whether it went northward or southward of the St. John's. But it is different when the matter comes to be considered by the House of Commons, which is bound to regard what is for the interests of this country. I must put it to them, whether they will establish the precedent of voting their approbation of a negotiator who made concessions which were not necessary, and left many questions still unsettled that might have been arranged. I doubt whether any advantage can arise to this country from such proceedings, particularly if sanctioned by the House, and followed in our negotiations with other countries. No doubt it would be very easy to find a noble Peer to go to Paris and propose to give up the treaties of 1831 and 1833; and that would give satisfaction to the French government and chambers. But the peace of the world is not promoted by unworthy and discreditable concessions. In America, above all countries, although her executive government is reasonable, and the persons at the head of her affairs are generally disposed to be pacific, yet in separate states the democratic spirit urges rather to aggressions upon foreign neighbours than to content with any reasonable proposition. But even the Senate, that wisest of the American bodies, we see that with regard to the Oregon territory, it has passed a bill for the seizure of that territory, which is as violent a proceeding tor a legislative body to take as has ever happened in the history of the world. What would have been said with respect to an attempt upon the part of the Houses of Lords and Commons in this country to pass a bill for the seizure of part of Maine, or any other disputed territory, and what would be said if British troops and officers were placad in possession? Would it not have been considered a flagrant violation of all regard for the rights of the United States? But, although I say that the manner in which this negotiation has been carried on does not tend to uphold the character of this nation, yet if there is any part of my Lord Ashburton's conduct which I should feel disposed to view with greater indulgence than another, it is that part with which my noble Friend has found fault, and justly, technically speaking — namely, when, being a negotiator, he congratulated the people of Boston, and spoke of that place being the cradle of liberty. It certainly was not becoming our ambassador. At the same time I feel that the Americans, if they were actuated by English principles of freedom, and if they had any of the blood of their ancestors in rheir veins, were bound to resist this country in any attempt at domination over them. I feel the greatest pride in seeing so noble a government established in the United States of America. I rejoice to see that country flourish; and although it may want many of the elements by which order is maintained in this country, I believe, with some exertions which are trifling in comparison with the great majority of its advantages, that law and order are the prevalent rules and habits of the United States. I cannot conclnde without saying that I trust this country and the United States may long continue in amity, and that whatever little interruptions there may be—whatever disputes there may be from time to time—they may be adjusted, and that we may both of us set an example of freedom and civilization to the rest of the world. I believe, that the mutual respect which is felt by both nations—the respect they feel for us and the respect we feel for them—will lead to the continuance of that peace, and to the cultivation of a good understanding.

Sir *R. Peel:* Sir, when this question was previously under discussion, I had an opportunity of entering so fully into the subject of the negotiations which were begun and brought to a successful close by Lord Ashburton, that I shall feel myself relieved from the necessity of now going at length into the subject. The noble Lord who spoke last has made the important admission, that when the result of these negotiations first became generally known, there was in this country one feeling of almost universal satisfaction. I apprehend that satisfaction would not have been felt if any undue or discreditable concessions had been made by the Government. It is the character of the British people to be more ready to resent an affront than to tolerate undue acquiescence. But what the noble Lord says is perfectly true. The feeling of satisfaction at the termination of the long protracted discussions between the two countries was almost universal, and it afforded, as I conceive, the strongest possible testimony of the merits of the negotiation. The people of England concur in the sentiments expressed by the noble Lord towards the latter part of his speech, deprecating the commencement of hostilities with the country which had set the example of independence—they deprecate war and carnage with a country united to ours by a community of origin—a community of language and a community of religion; and I believe that the noble Lord will now find it a difficult task to persuade the people that they ought not at this time to be satisfied with an arrangement in which, on its first announcement, they were ready and willing to concur. The noble Lord says, and he says correctly, that the vote now proposed to this House is not strictly in conformity with precedents. For that reason I have declined to move the vote of thanks to Sir Henry Pottinger, of which the noble Lord has given notice for this night. Although I fully admit all the noble Lord can urge—although I fully agree that the greatest prudence, the greatest judgment, and the greatest moderation have been shown by that gallant Officer in the conduct of the negotiations entrusted to him; and although Government has manifested its confidence in that distinguished person, by requesting him to remain in his present station, yet, because I felt that it would be contrary to precedent for a Minister of the Crown to move such a vote of thanks, I have refrained from submitting to the House the motion the noble Lord intends to propose. But I will ask the noble Lord this question. Was there ever an instance in which three statesmen whose opinions are entitled to such respect as those of the noble Lord who has just spoken, the noble Lord, the late Foreign Secretary, and the right hon. Gentleman, the Member for Edinburgh—was there ever such a case in which men who swayed public opinion to such an extent, came forward so decidedly to express an unfavourable opinion as to the result of a negotiation and the conduct of a diplomatist? Was there ever, I ask, a case in which such charges were made, or in which a Government shrank from asking the House of Commons at once to affirm or decidedly to negative such sentiments? The noble Lord has stood in the position of the leader of the House of Commons—the other noble Lord by his side has lately filled the office of Secretary of State for Foreign Affairs, and is generally believed to have more knowledge and experience in these matters than any other man living—of the great talents and abilities of the right hon. Gentleman on his right (Mr. Macaulay) I have had frequent opportunities of expressing my opinion; and, I will ask, is it just, is it equitable, that three such men should attempt to discredit —nay, to ruin—the reputation of a public man who has undertaken a public duty from the purest of all possible motives, and because they conduct their attack according to precedent, those who support and defend him are to have no opportunity of asking for the opinion of the House of Commons—of determining whether or not such discredit is cast upon him with the sanction of the Legislature and the public? One noble Lord has described this negotiation as a capitulation; the right hon. Gentleman has said that it is a stain upon the honour of the country; the other noble Lord says he entirely agrees in those opinions, and yet they refuse a motion calculated to put their opinions to the test by a vote of the House. I do say, that if the motion is unusual, it flows from a course which is entirely without precedent. But the noble Lord says we are not to judge of the motion by the terms of it. We are to look back, forsooth, to the opinions which the mover once expressed upon some matters relating to Canada. The opinions of a man who spoke upon an entirely different subject, are put forward by the noble Lord as a test by which to try whether the motion is just or unjust. Why, the noble Lord was not always so ready to disclaim the support of the hon. Member on account of his opinions regarding Canada. The time was, when, turning round to his hon. Friend, he could find it convenient to forget his opinions respecting Canada, and could even condescend to receive his vote to support or to rescue him in his hour of difficulty and danger. Why, it would have been as absurd for the noble Lord to have said, "I can't go out into the lobby with you, because of your conduct concerning Canada," as if I said now, "This motion is just; there is no reason for negativing it; but three years ago its mover said something on Canadian affairs of which I cannot approve, and, therefore, I shall vote against his proposition." Sir, I think the noble Lord might have found many precedents for insisting upon a distinct vote of the House in cases where a motion of condemnation has been made; ay, and I think, too, that he might have found those precedents in cases where the authors of the motion, were not deterred from going to a division by the fear of being left in a minority. And here, let me again ask, is the course you are pursuing a creditable course? Is it fitting, that entertaining the opinions which you hold —is it for the honour of the House of Commons—is it for the honour of party connections or public men, that after throwing every discredit on a diplomatist by your speeches, you should not have the manliness to come to a vote? That was not the course which Mr. Windham pursued when he brought forward his motion concerning the treaty of peace in 1801. He made a motion condemnatory of the treaty; he stood nearly alone; Mr. Windham, Mr. Elliott, and a few others, were divided from the whole House upon the question; but they did not throw out insinuations right and left, and then shrink from a division; they had the courage and consistency, after stating their opinions fairly, to ask for a vote in the affirmative or negative. On that occasion, Mr.

Windham was supported, I believe, by only nine other Members, and yet Lord Hawkesbury, finding what he considered to be a censure moved upon the Government, deemed it to be his duty to move a counter-resolution. After expressing a hope, that the House would not separate without giving an opinion on the subject, he accordingly proceeded to move a resolution in which it was declared—

> "That this House is satisfied, that his Majesty has, on the whole, wisely consulted the interests of his people in having concluded a definitive treaty, founded on the basis of these preliminaries."

That was Lord Hawkesbury's course on Mr. Windham's motion. But I will give you another instance. In 1823, when Mr. Macdonald brought forward his motion concerning the negotiations relative to Spain, the mover, towards the close of the debate, found himself supported by so small a minority, that he was anxious to withdraw his proposition. Mr. Canning, however, feeling that the conduct of the Government was questioned, would not allow the withdrawal of the motion, but pressed it to a division, when only twenty Members were found to divide with the mover. Mr. Canning said, on that occasion that he would not have asked for an approval of the policy of the Government, but finding it condemned, he called upon the House to say if they joined in that vote of condemnation! In the same way, I would not have asked for a direct vote of approbation, but finding the conduct of the Government impugned, I now call upon the House to give a distinct vote upon the motion before us with the view of discouraging the practice of disparaging public men without allowing them an opportunity of vindicating themselves. After all, Sir, what miserable cavilling is this about the language used by Lord Ashburton in reference to the Madawaska settlement. Having a point to gain for Great Britain, he made use of the language which he deemed strongest and most likely to achieve it. And is it, then, to be said that he sacrificed the honour of his country, because he did not insist on the letter of that language? It would go hard with negotiators if they were bound by this notion with respect to language used by them in attempting to gain the most favourable terms for the countries by which they are employed. The real question at issue is not Lord Ashburton's language, but where would you have now been if the Washington treaty had not been concluded? The real discussion does not turn on the Madawaska settlement or on the river St. John. But the great and important question which the good sense of the country will decide is, whether, with respect to a nation with which we have such close connection by trade, affinity, and otherwise, on which our own colonies border for an extent of 1,500 miles, we should remain in a condition of perpetual uneasiness approaching to hostility. The intelligent people of England asked, if it was right that after so protracted a diplomatic conflict, which had been going on for the long period of ten years, without any prospect of its amicable termination—nay, the people of this country had a right to ask, whether this matter could not, without any dishonourable concessions on the part of England, be brought to a satisfactory settlement? Is it not a subject of congratulation that this state of things has terminated with honour to this country? Where would you have been at this moment if this had not taken place? Would you have been in possession of the disputed territory? My hon. and gallant Friend (Sir H. Douglas) who is better acquainted with this matter than any man in this House, has truly stated that this territory had been gradually slipping away from you, that an American citizen had been arrested by his authority on a portion of the territory for committing a trespass, upon which you have permitted the Americans to build a fort without making any remonstrance. Why did you allow this to take place? Is that the way of vindicating the honour of England and maintaining your own boundary? The noble Lord said, "Open another negotiation, based upon the report of our own commissioners." But, however able Messrs. Mudge and Featherstonehaugh may be, I happen to hold in my hand the message of the President of the United States, transmitting a report of the board of commissioners appointed to survey the north eastern boundary, which will show that the probable effect of sending more commissioners to America would only be to excite more contention. The report to which I refer, and which was presented to Congress, was made by Commissioners Renwick, Major Graham, and A. Talcott, and the Americans consider their commissioners entitled to as much confidence as we justly place in ours.—

> "That the line of highlands (they say) claimed by the United States is, as the argument on the part of Great Britain has maintained it ought to be, in a mountainous region, while that proposed by Messrs. Featherstonehaugh and Mudge does not possess this character; that it is also, in the sense uniformly maintained by the United States, the height of land, which that of Messrs. Featherstonhaugh and Mudge is not; that it fulfils, in every sense, the conditions of the proclamation of 1763, the Quebec Act of 1774, and the treaty of 1783, which no other line that can possibly be drawn in the territory in question can perform."

Sir (continued the right hon. Baronet), this is the construction put upon the report ot Messrs. Mudge and Featherstonehaugh, and without expressing any opinion on the correctness of that report, is it probable that the commissioners from Maine and Massachusetts and the Governments of these states, would have acquiesced in the reasoning of our commissioners. I think that such a result was not at all probable. But, again, the noble Lord says that the United States Senate has passed a bill (by a majority of two I believe,) appropriating the Oregon territory as a portion of the possessions of the United States. To that I oppose, in the first place, this circumstauce, that the Executive Government of the Union, which has in its hands the conduct of diplomatic negotiations, has acceded to a proposition of the English Government, or rather made one to us, that the question of the Columbia River should be amicably settled between the two countries. And next I must remind the noble Lord, that the House of Representatives, a popular body, as open as the Senate to the desire of an increase of territory—that the House of Representatives, with all the corresondence before them, still refuse to sanction the bill agreed to by the senate, so that the session passed without anything being done. I may further say, Sir, that I have every hope that, by a prudent and temperate course of proceeding, these difficulties will be amicably arranged. It is to this that the noble Lord refers for the purpose of obtaining a paltry triumph. I will not refer to the right of search or visit. What I have on a former occasion stated to the House on this subject is fully borne out by subsequent events. I said, and I say again, that no authority was given to make concessions on this point. We claim no right of search, or detain vessels, if we know them to be American. If we do visit the vessels knowing them to be American, we do it on our own responsibility, at our own risk and peril; and we are liable to be compelled to make compensation should our officers make any mistake. And what has brought this question into its present position. I tell the noble Lord that if he had limited himself to the claim of visiting suspected vessels no angry feeling would have arisen. But the noble Lord captured or authorised the capture of American vessels. In February, 1841, I heard that the noble Lord issued orders to British captains not to capture American vessels—that vessels *bona fide* American should not be captured. Then from that it is to be inferred that previous to this order such captures must have been made. The noble Lord, I believe, acquiesces. Now, it has been admitted that if an American vessel were evidently equipped for the slave-trade—carrying fetters and provisions sufficient for ten times the number her crew, we have no right whatever to meddle with that vessel. But when it appears that we for some years claimed a right to visit and search vessels, knowing them to be *bonâ fide* American, it is no wonder that excited feelings were created in the States on the question of the right of visit which made it extremely difficult to come to a satisfactory and amicable arrangement with reference to that subject. The noble Lord says that we have made great concessions to the United States by that article of the treaty which provides for the employment of vessels by both countries on the coast of Africa to suppress the slave-trade. The article in the treaty alluded to is as follows—

> "The parties mutually stipulate, that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade; the said squadrons to be independent of each other, but the two Governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of

the true object of this article; copies of all such orders to be communicated by each government to the other respectively."

I must now remind the House and the noble Lord, of what Mr. Fox asked the American government to do. All along the coast of Africa there were swarms of ships carying the American flag. Mr. Fox pressed upon the American government the importance of acceding to a mutual right of search, and various advantages which were likely to accrue were pointed out, and among others, that of the capture of rich prizes. In 1839 nothing effectual having been done in the suppression of the slave trade, Mr. Fox again urged upon the government of the United States the importance of mutual exertions for the suppression of the slave-trade upon the coast of Africa, but nothing was done. In consequence of the course which has now been pursued, France, it is alleged will say, that it is possible for this country to suppress the slave trade without exercising the right of search. Why was it not just as competent for France to prefer an agreement of this ort, before the treaty was concluded as at present. It has been thought right that an arrangement should be come to which for a time should not be liable to be annulled at the will of popular assemblies, and that for five years, therefore, there should be a joint squadron on the coast of Africa adopting effectual means—and in my belief, they will be effectual — for the suppression of the slave-trade. But you say, that we have effected nothing; that we have left the Oregon treaty all unsettled. Now all this is said for the purpose of possessing the people of this country with the idea, that Lord Ashburton has failed as a negotiator. However, with respect to this, my firm persuasion is, that the two countries will enter shortly upon an amicable settlement of the Columbia question. Then with respect to the boundary question, all the accounts that her Majesty's Government have received from America concur in representing that the boundary states are animated equally with ourselves by a sincere desire that the line of demarcation should be drawn as soon as possible. They have appointed engineers, they wish that the line of demarcation should be drawn in one year, they are actuated to all appearance by precisely the same feelings as we are. This is what we hear from the United States. With respect to the right of search, the American government has communicated to us their instructions to their officers, but as it is impossible for me to speak of the nature of them at this stage of the proceedings. I can only state it is my firm belief, that they can and will be carried into effect. On the whole, then, my persuasion is, that it will be most desirable to leave the governments of the two countries to settle these questions amicably between themselves; and with the knowledge that they possess of their great reciprocal interests, with the knowledge that any bad feelings which might mutually arise would only recoil on themselves, and notwithstanding the indications of adverse feelings which may be displayed for a time by small bodies, my firm belief is, that it will be found by this treaty concluded by Lord Ashburton we have not only laid the solid foundations of peace, but that we have done that which is most desirable for our common interests, and that as far as negotiations can affect that object these negotiations will issue in establishing permanently amicable relations between the United States and ourselves. If such be the feelings of the House, looking to the motives of our distinguished negotiator, and seeing the many sacrifices he made to accomplish that for which he went out — that he sought no honours nor distinctions, and had no other motive for his exertions than his desire to unite the two countries in relations of permanent peace—looking at the difficulties which he had to encounter, that he had the assent of no fewer than seven commissioners from Maine and Massachusetts, in addition to the assent of the American government, to gain, if revolving all these matters in your minds you should, as I hope you will, think that the conduct of Lord Ashburton demands your approbation, and will justify you, if departing from ordinary precedent, you should consent to vote with the Government and disbelieving the charges that have been brought forward against him, charges made, but immediately after withdrawn, that he was an American citizen or had some pecuniary interest of his own to serve, if you think that he has taken a comprehensive view of the subjects comprised in this treaty in spite of the petty cavilling about the noble Lord's language, and the Madawaska settlement, and done nothing in his conduct of the negotiations but what is right and just, I hope that you will give your support to the motion of the noble Lord. I mean the motion of the hon. Gentleman [*Laughter*], and record your approbation of Lord Ashburton's proceedings. Sir, my noble Friend was compelled in the course of his speech to allude to a little hypercriticism, and Gentlemen do seem a litle fastidious about this little mistake. I am glad however, that I made no greater mistake—and if hon. Gentlemen thought my argument unjust, they would not have fastened on this little error. I willingly yield to this correction and I trust that they will support the motion of the hon. Member for Montrose.

Viscount *Palmerston* could not see that the right hon. Baronet had given any answer to the objections which had been urged by his noble Friend to the course which the Government had thought fit to adopt on this occasion, by departing from all former precedents. All the reasons stated, and all the precedents quoted by the right hon. Gentleman went to show that if the Government thought a vote of thanks proper at all, it was their duty to have brought it forward themselves. The cases of Mr. Canning and of Lord Hawkesbury had been quoted; but each of these was the case of a Minister, who, when his measures were censured by Members of the House, called for a vote of the House in support of those measures. His noble Friend had alluded to certain opinions held by the hon. Member for Montrose, which rendered it peculiarly improper for the Government to follow in his wake on this occasion, and to adopt his motion. The right hon. Baronet asked—What have those opinions to do with the question? What matters it what opinions the hon. Gentleman may happen to have expressed as to the importance or unimportance of Canada to this country, or as to the value or worthlessness of our connection with that colony. But he would maintain that this was a matter bearing directly on the question, for if the hon. Member for Montrose thought the connection between this country and Canada of no value, and if he considered it desirable, on the contrary, to dissolve that connection as soon as possible, he might chance to think that this treaty was a good one, because it tended to accelerate the severance of that connection. He would, therefore, repeat that his noble Friend spoke particularly to the point, when he stated that the opinions entertained by the hon. Member for Montrose increased the surprise with which he viewed the conduct of the Government on this occasion. What was the announcement of the right hon. Baronet, when, answering at the end of the former debate, the speech which he had then made. Let the House remark that now they were told by that right hon. Baronet, and by the noble Secretary for the Colonies, that it was owing to his speech the other day that Lord Ashburton was about to receive the thanks of the House. Was that the language of the right hon. Baronet on that former occasion, after the very speech now referred to, and after the speech then made by his right hon. Friend, which speech, also, the noble Lord and the right hon. Baronet now stated to have afforded grounds for the present proceeding? The right hon. Baronet at that time said, that if a vote of censure had been moved, he (the right hon. Baronet) would have thought it right to move a vote of approbation; but no vote of censure had been moved, and he was, therefore, at a loss to understand what it was that had worked so great a change in the feelings and opinions of the Government, that, having on the former evening declared that only in the event of a vote of censure being moved, should they propose a vote of approbation, they now justified a vote of approbation on the mere speech of a Member of that House. The doctrine laid down by the right hon. Baronet would do much, if admitted, to fetter the freedom of debate, on the part of those who were in opposition in that House. The right hon. Baronet had disputed the propriety of his conduct in moving for papers connected with these negotiations, and in making that motion the occasion for expressing his opinion upon these negotiations, and upon the consequent treaty. The right hon. Baronet laid down as a principle that such a course ought not to be pursued; he said, that a Member of that House, who, knowing that his opinions are shared by only a minority of the House, wants to find fault with Government, or with any negotiations that have been carried on, must take care what he is about, for although he may only move for papers to throw light upon such transactions, yet if, in moving for these papers he should happen to express his own opinion on the subject, the majority will forthwith pass a vote of approbation of the proceeding which he disapproves; and, therefore, if he does not wish to have the formal sanction of the House given to measures which he condemns, let him beware how he utters any opinion about them at all. For his part, he did not consider it at all necessary for a Member of Parliament, who disapproved of particular transactions, negotiations, or treaties, to propose a formal vote of censure upon them, in order to create an occasion for expressing his disapprobation. Nothing has been more usual in the practice of Parliament than to make a motion for papers in order to discuss a subject. The right hon. Baronet said, that he had moved for papers which had been in part granted. With regard to the granting of portions of these papers, he must say, that it was not the usual course for a Government first to refuse papers when asked for, and then, when a notice is given of a motion for their production, to present a portion of them, with a view of cutting the ground from under the person who had given such notice. But part of those papers were still refused, and it had been his intention to have pressed his motion for them to a division. But this intention could not be carried into effect, when the right hon. Baronet said upon his responsibility as a Minister of the Crown that those papers could not be granted without prejudice to the public service. He must say that he considered the course pursued in regard to the present motion to be without precedent, and liable to great objection. It was not fair to the noble Lord who was the object of this resolution, since the value of a vote of this kind depended, in a great degree, upon its being agreed to unanimously as an acknowledgment by Parliament of some great and eminent service deserving of their thanks. When the service performed was one which no man considered of public advantage, but at the utmost only a means of avoiding a greater disadvantage, he thought that a motion of this kind, so far from conferring honour on the individual, would place him in a position not at all enviable. What Sheridan said of the treaty of Amiens might be said of this—

> "That it was a treaty of which many persons might be glad, but of which no man could be proud."

He had on a recent occasion troubled the House so much at length on the subject of this treaty that he would not now trespass upon them with a repetition of the observations he had already made, and in the course of which he thought he had shown that so far from our having reaped any advantage from this treaty, all the concession was on our part. That we had given up rights which had been proved to be valid and good; that this surrender of our rights had been carried to an extent far beyond what could upon any supposition have been necessary, and that if the negotiation had been better conducted, a very different result might have been obtained. There were one or two points, however, which had been adverted to in the course of the present evening, upon which he would beg to make a few remarks. The hon. Member for Liskeard said, that he (Lord Palmerston) was mistaken in considering the free navigation of the St. John's as an uncompensated concession on our part, inasmuch as there were certain rights of navigation on the St. Lawrence conceded to us in return. But if the hon. Member had read the correspondence on this subject, which had been laid on the Table, he would have seen that the concession on the St. Lawrence made by the American government was in return for rights of navigation granted by us to the Americans in the upper part of the Lakes, and not in return for the privileges granted by us to the Americans in regard to the St. John. It had been said also by the hon. Member for Shrewsbury, not this evening, but on a former occasion, that for the strip of land which we have ceded on 45° parallel of N. Latitude, we had received an equivalent from the United States by the stipulations of this treaty, in another strip of land, stretching along the exploratory due north line from the head of the Saint Croix River, which would by right have belonged to the United States. The hon. Gentleman said he was informed that this exploratory due north line had not been carried in a strictly meridional direction, and that the consequence was that it gave to Great Britain what would properly have belonged to the United States. Now, the fact was entirely the reverse of this statement. Colonel Graydon of the Royal Engineers, had ascertained by accurate observation that the exploratory north line diverged considerably to the eastward from the true meridional line, and encroached several miles upon the territory of New Brunswick, and therefore by accepting that exploratory north line, as we have done by the treaty, we have ceded a large strip of land which belonged to us, instead of gaining one. Much stress had been laid upon the fact that the late Government of her Majesty had accepted in January, 1831, the award of the King of the Netherlands, and had urged the government of the United States to consent to it; and upon this fact her Majesty's present advisers endeavoured to justify themselves for having, in 1842, negotiated a treaty between the two governments founded upon that basis. It appeared that her Majesty's present advisers were very fond of following the example of their predecessors, but, as his noble Friend had said, they did do so not always with a right understanding of the principles upon which that conduct was founded, and they were sometimes mistaken in their conception of that which they adopted as a model. What was the fact? The late Government of her Majesty accepted the award of the King of the Netherlands, because they were bound by treaty to do so. The present Government was bound to no such thing. The last Government accepted the award, because, according to the information which they then possessed, they did not think that there was any arguments which could be advanced to obtain by another arbitration a decision more favourable to England than the award of the King of the Netherlands; but since that period commissioners had been specially appointed and sent out to collect information, and the result was that they had collected proofs which he contended established and justified every one of the claims of this country in a way that never had been expected before; their views on some of the most material points had afterwards been confirmed by the surveyors on the part of the American government, and that government, moreover, was in possession of a map drawn by one of the American Plenipotentiaries who concluded the preliminary treaty of 1782, and that line of boundary is acknowledged to be identical with that claimed by Great Britain. The report of Messrs. Mudge and Featherstonhaugh confirmed one of the main points on which the claims of this country rested in opposition to that of the United States and that was, that the line of highlands claimed by the United States as being the highlands of the treaty, does not run to the source of the Connecticut as required by the treaty. The range of hills claimed by the Americans as the Highlands of the treaty are indeed proved to be defective in two essential points, namely, at the beginning and at the end of their course. First, at the beginning of their course, that is to say at the point where the due north line from the head of the St. Croix, intersects them, they are non-existent. For that due north line, ends not on a ridge of Highlands, but on a swampy flat; and the range of hills does not begin till some fifteen or twenty miles to the westward of the end of the due north line. Then, at the end of their course, instead of running down to the head of the Connecticut as required by the treaty, they stretch away more than twenty-five miles to the westward of the sources of that river, and it is admitted by the report of the American commissioners themselves, that their Highlands are connected with the sources of the Connecticut only by a long tract of undulating country, that is to say, by what is commonly called a plain, and which no human ingenuity can convert into a ridge of Highlands. But as her Majesty's Government seemed so fond of following the example of their predecessors. He regretted, that they did not follow the latest instead of the earliest precedents of those predecessors —that they did not guide themselves by what those predecessors had done when better informed, instead of by what they had done when imperfectly informed. It was true, that in 1831 the late Government had been willing to acquiesce in the award of the King of the Netherlands; but some years later, they had declared to the American government, that they would consent to nothing short of an equal division of the territory in dispute, taking, as a boundary, the St. John, from its southernmost source to the point where it is intersected by the due north line from the St. Croix. With respect to the case of the Caroline, the right hon. Baronet said that he had not found fault with the conduct of Lord Ashburton in that matter. He certainly must admit, that Lord Ashburton had not made any apology, as had been asserted by the government of the United States. In his opinion, the case was one which did not justify any such communication. He considered it purely as a case of justifiable self defence. A violation of territory had, strictly speaking, been committed—but it was territory in possession of no legitimate Government, a territory occupied by a lawless rabble, and under such circumstances could hardly be considered to fall within the strict rules of international practice. It was true that Mr. Webster had chosen to look upon Lord Ashburton's letter on this subject in the light of an apology, but it was not so in fact, and therefore he could not find fault with it. With regard to the right of visit, the noble Lord said that great excitement had been produced, in the United States, by the letter which he (Lord Palmerston) had written, and which the noble Lord described as being insulting to the American flag, and calculated to create ill feelings on the part of the American nation. He denied that such was the case. He had not called the American flag a piece of bunting, he was describing that which was not the American flag, but the ensign hoisted by those who had no right to use it; and if the noble Lord would furnish him with a better term for that which was the emblem and ensign of the pirate and slave-dealer, he should be very happy to use it the next time he had occasion to write another despatch on the subject. It was a plain expression, and as gentlemen opposite had chosen to praise what they called plain negotiations, they ought not to find fault with the expression, and he altogether repudiated the notion that the use of it could be a cause of irritation. The noble Lord said that American vessels suspected of slave trading, were formerly captured by British foreigners. It was very true, as was stated by the right hon. Baronet, that he had given orders to our cruisers to discontinue the capture of vessels under the American flag on the coast of Africa, and that, therefore the practice previously prevailed. But how did this practice arise? Only because it had been a matter of agreement between Lieutenant Payne the commander of the American naval force on the coast of Africa, and Captain Tucker, the commander of the British squadron. This was clearly shown in a paper which had been laid on the Table of the House, and which had been printed. The stipulations of the agreement were, that Captain Tucker, or any other officer under his orders, on the one part, should stop all suspicious vessels sailing under the American flag, and search them, and if he found them engaged in the slave- trade, they were to be handed over by him to any American officer on the coast. Such an agreement was, in his opinion, most honourable to Lieutenant Payne; but, unfortunately, the arrangement was not approved by his government, as it was not considered consistent with the feelings of the people of the United States. When the British Government found that the agreement was not approved by the American government, they instantly sent out instructions to the commanders of our cruisers to abstain from all captures of vessels under the American flag. He had no doubt that this might have led the noble Lord into the mistake into which he had fallen, for it evidently arose from his overlooking the circumstance of the agreement between the commanders of the British and American squadrons. Several ships sailing under the American flag had been stopped under this agreement, and had been sent to America for adjudication. This fact of United States vessels being sent to American ports for adjudication occasioned a great deal of excitement in that country, but the noble Lord was evidently not aware that the proceeding arose, not from any assumption of right on our part, but in consequence of an agreement made between the American officer and the British officer commanding the squadrons of their respective nations on the coast of Africa. Lord Ashburton described the first proposition made to him on this subject by the American government as a plan for executing on a larger scale the arrangement made between Captain Tucker and the American Lieutenant Payne; but did it enlarge or even approach to that agreement which was virtually the concession of the right of search. Lord Ashburton was mistaken as to the nature of the proposition made to him, for instead of enlarging the agreement of Lieutenant Payne, it was a total abrogation of it. But the noble Lord observed that the Government had now only entered into a treaty, when there was formerly an agreement. The noble Lord seemed to say that he did not see what was the difference between an agreement and a treaty, but his noble Friend had clearly pointed out that the difference or distinction was great and vital. The late Government had frequently represented to the government of America, that if they would not agree to a mutual right of search, which is the only real and effectual means for putting down the Slave

Trade, they ought to send United States cruizers to the coast of Africa to prevent the Slave Trade from being carried on under the United States flag. This had frequently been urged, not only through Mr. Fox, our minister at Washington, but by himself to the various American ministers in this country, and his opinion on this point had been laid on the Table in the correspondence relating to the slave-trade. The commissioners at Sierra Leone also had suggested that if the American government would send a squadron of their ships to the coast of Africa, to sail in couples with British ships; this course could stop slave-trade by any vessels sailing under the British or the American flag, or under that of any nation which had conceded to Great Britain the mutual right of search. But by the treaty entered into by Lord Ashburton, the American government were to send a comparatively small force to the coast of Africa, and it did not follow that any of their vessels would accompany a British cruiser, but each would apparently be left to pursue its own course. If the commander of the British cruiser proposed to sail south for the best cruising ground, the American officer might reply that he chose to sail to the north. Thus you would not have the two vessels sailing together; you would not have them hunting in couples, as the commissioners at Sierra Leone recommended. A slaver might, therefore, show American colours to the British cruiser, and must be allowed to pass; a few hours afterwards, when met by an American cruiser, it would hoist the British flag, and would again be allowed to pass. Therefore he contended that if the cruisers of the two nations did not hunt in couples the proposed maritime police on the coast of Africa would be completely destroyed, and there was nothing in the treaty to show that it was intended that the cruizers should hunt in couples; and indeed the small amount of the force which the American government is to send, seems to render such an arrangement impossible. But it was said, that there is no difference between a private agreement with the United States government, that they should send American cruizers to the coast of Africa to prevent slave-trade from being carried on under the United States flag, and a treaty stipulation, such as that contained in this Washington treaty. The difference, however, is great and essential. In the first place, this stipulation in the treaty as signed by Lord Ashburton will be looked upon in America as having been accepted by us, as a fulfilment of the stipulations of the treaty of Ghent, which provided that the United States would use their best endeavours to put down the slave-trade; and the course now to be adopted by the American government would appear to be admitted by us to be the exertion of their best endeavours. He maintained, however, that this arrangement is not the best endeavour which the United States can make to put an end to the slave-trade, on the contrary, it is infinitely short of their best endeavour; the best endeavour, and the only good endeavour is the concession of the mutual right of search, and till the United States have agreed to that, they never will have fulfilled the engagement which they contracted by the treaty of Ghent. But look to the effect of this proceeding in other countries. The right hon. Baronet said that if a private arrangement had been made with the United States on the subject, the French government would have become acquainted with the fact, and would have claimed equal terms. But the reply in such case would have been easy, and it could have been said, if merely an agreement had been entered into, that the Americans had done that without treaty which the French government were bound to do by treaty. That is to say, had sent cruizers to the coast of Africa to assist in putting down the slave-trade, and France could have founded no claim upon such a fact. The smaller states, such as Sardinia and Naples, although parties to the right of search treaty, were exempted from sending vessels to the coast of Africa; there was in this respect a difference between these states and France, with which also you had a right of search treaty. But France never founded upon the exemption so conceded to those states, a claim for a similar exemption for herself, much less therefore could she have put forth a claim to be released from her mutual right of search treaty, merely because the United States had in compliance with our request sent some cruizers to the coast of Africa to assist in putting down the slave-trade. But the moment that we by this Washington treaty had, to all appearance, formally accepted this inadequate arrangement as a substitute and equivalent for the mutual right of search, that moment the French set up a claim to be placed on a similar footing. Immediately did the leading men in the Chambers, and the public Press in France, contend that what was deemed by us sufficient from the United States, ought also to be deemed by us sufficient from France; and, that as we have been content to accept such a treaty stipulation from the United States as the fulfilment of their engagement in the treaty of Ghent to use their best endeavours to put an end to the slave-trade, we ought at once to rescind the treaties of 1831—1833 with France, and accept in their stead an engagement from France precisely similar to that which has now been entered into by the United States. The House might depend upon it, that this country, after this treaty of Lord Ashburton's, would find it infinitely more difficult than hitherto to enter into treaties relative to the right of search, and he would venture to say, that if a right of search treaty had not been concluded with the republic of Texas before the American treaty had been entered into, it would not now have been obtained at all, and the slave-trade would have been carried on to the greatest extent under the flag of that new country. He thought that the government had pursued a very strange course with respect to the motion of his hon. Friend. If they considered that their noble Friend had been unjustly assailed in the former debate, and that a vote of Parliament was necessary to shield him—it was an unmanly abandonment of their friend that they did not themselves immediately, and on the spur of the moment, propose that vote which they thought necessary to his vindication. But if it had not been for the hon. Member for Montrose, who had thought proper to take Lord Ashburton under his protection, his Government would have left him under all the weight of obloquy which they had described as having been heaped upon him. Whatever degree of gratitude the noble Lord might feel towards the Member for Montrose, he did not think that much gratitude was due on his part towards those under whom he had served. It was said, however, that whether this treaty was disadvantageous or not, at least it had this merit, that by concessions which ought not to be too closely scrutinised, or measured with too critical an eye, or weighed in too nice a balance, that by these concessions to the whims, wants, and desires of America, we had obtained a peace, valuable at present and likely to be permanent for the future. There were some persons who thought, that peace might be too dearly purchased—that concession was not always the best way to make peace permanent—that more especially, you did not increase your chances of permanent peace by conceding to a neighbouring power a greater means of annoying you in time of war. That opinion had been maintained in this House by one who sometimes carried his love of peace beyond the length to which many would like to go. He meant Mr. Fox, with respect to whom, although some might differ with him in matters of practical politics, all must acknowledge, that no speeches surpassed his in depth of thought, in knowledge of human nature, and in the philosophy of politics. In a debate on the Address in 1782, on a subject connected with the American question, hints were thrown out by the hon. Member, who seconded the Address, that it might be well to conciliate the government of Spain, and create feelings of good will between the countries by giving up Gibraltar. The noble Lord read extracts from Mr. Fox's speech on the day mentioned, to the effect, that he did not think the best way to incline an enemy to make an advantageous peace was to tell them that we were so much reduced that no terms, could be too hard for us to digest. If we were driven to a disadvantageous peace, we should inevitably be tempted to look out for means to make war again with a greater prospect of success. If a country were always to act on the principle of cession to preserve peace, there would be no end to cession, because there would be no end to demands. Mr. Fox argued on the principle, that concessions improperly made, so far from obtaining that peace which they were intended to secure, only had the effect of increasing the desire for encroachment upon the part of the demanding power. But another objection to the vote of thanks now proposed was, that the treaty for which it was to be conferred was not advantageous to the country, and that even if it were advantageous, it would remain to be shown, that the merit belonged to Lord Ashburton, and not to the instructions of the Government under which he had acted. He had asked the right hon. Baronet opposite for copies of these instructions, in order that it might be seen whether this was the case, because it was plain, that even in the case of an advantageous treaty, no merit might be due to the negotiator; inasmuch as he might have merely followed his instructions, or might even have obtained less than a skilful execution of his instructions would have obtained; and in the case of a disadvantageous treaty, it was possible, that merit might be due to the negotiator, for having obtained a better bargain than his Government had authorised him to accept. These papers had, however, been refused; and so far the right hon. Baronet had put himself out of court with respect to any motion for a vote of thanks to Lord Ashburton. This was a matter of great importance, for they were called upon to establish a new precedent, which would be liable to the greatest possible abuse. Parliament seemed to have systematically avoided votes of thanks to negotiators, and most properly, because a negotiator was a person acting under the instructions of his Government. The Government had a majority in Parliament, and a vote of thanks to their negotiator was in fact, a vote of thanks to themselves, and it was thought unmanly to take advantage of a majority, to obtain for themselves the thanks of the House, which would after all only be synonymous to a declaration, that they actually possessed that majority. The right hon. Baronet opposite had stated that principle very clearly when he explained why the name of Sir Henry Pottinger had been omitted from the vote of thanks to the officers and troops in China. He would say, that Government ought to be careful how they led the House of Commons into the establishment of a bad precedent—of a vote of thanks to a negotiator, and to choose for that precedent the case of a treaty of which no man living could say more in its favour, than that it afforded a chance of eluding difficulties more serious than the disadvantages which it brought in its train. The Government should take some care of the character of the House of Commons. Already they had made many of their supporters unsay the pledges given by them on the hustings; and they still would have to drag their followers through the dirt, by asking them to support the Government in its refusal to carry into practice the free-trade principles which the Members of that Government had deliberately and repeatedly in Parliament professed; he thought, therefore, that they should be sparing in demanding the support of their friends for such a vote as this. They would have to expend the character of Parliament sufficiently in other cases, and they might as well husband it in this. But, not only would the carrying of this motion lower the character of the House of Commons in the opinion of the country, it would lower the country in the eyes of the world. Upon what ground had they singled out this treaty for a vote of thanks? It gave no new possessions to the country—no extension of interests—no new means of defence: it was a treaty of which its best friends could only say, that it was a bad bargain, but that, under the circumstances, any bargain was better than none. What a lowering in the eyes of the world—what a humiliation for the Parliament of Great Britain. They might urge such a consideration against a vote of censure, if it had been proposed, but what would be thought of bestowing a vote of thanks upon a noble Lord for having saved this country from the wrath of the people of Maine, or even from the chance of collision with the more powerful government of the United States? This was, indeed, a confession of weakness which we never expected from the British House of Commons. This vote then, was against the practice of Parliament. It would add no honour to the individual on whom it was conferred; and it would lower this country in the eyes of every other nation in the world.

The House divided on the question that the House do now adjourn—Ayes 105; Noes 240: Majority 135.

List of the AYES.

Arundel and Surrey, Earl of
Barnard, E. G.
Berkeley, hon. C.
Berkeley, hon. H. F.
Blewitt, R. J.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Byng, right hn. G. S.
Cavendish, hon. C. C.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Craig, W. G.
Curteis, H. B.
Dalmeny, Lord
Dawson, hon. T. V.
Duff, J.
*Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, D.
Ebrington, Visct.
Evans, W.
Forster, M.
Fox, C. R.
French, F.
Gill, T.
Gisborne, T.
Gore, hon. R.
Hall, Sir B.
Hallyburton, Lord J. F. G.
Hanmer, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Heneage, E.

Hill, Lord M.
Hollond, R.
Horsman, E.
Howard, hn. C.W.G.
Howard, hon. J. K.
*Howard, Lord
Howard, hon. H.
*Howick, Vict.
Hutt, W.
Jervis, J.
Johnson, Gen.
Johnston, A.
*Langston, J. H.
Leveson, Lord
Macaulay, rt. hn.T.B.
Maher, V.
Marjoribanks, S.
Matheson, J.
Mitchell, T. A.
Morris, D.
O'Brien, J.
O'Brien, W. S.
O'Conor Don
Paget, Lord A.
Palmerston, Visct.
Pechell, Capt.
Pendarves, E. W. W.
*Philips, G. R.
Plumridge, Capt.
Ponsonby, hon. A. C.
Ponsonby, hon. J. G.
Pulsford, R.
Ricardo, J. L.
Ross, D. R.
Russell, Lord J.
Rutherfurd, A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Smith, rt. hon. R. V.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
*Staunton, Sir G. T.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Towneley, J.
Tufnell, H.
*Vane, Lord H.
Vivian, hon. Capt.
*Ward, H. G.
Watson, W. H.
Wawn, J. T.
White, S.
*Williams, W.
Wood, G. W.
Wrightson, W. B.
Wyse, T.

TELLERS.

Napier, Sir C.
Berkeley, Capt.

List of the NOES.

Ackers, J.
Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Adderley, C. B.
Antrobus, E.
Arbuthnot, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Astell, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Balfour, J. M.
Baring, H. B.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bernard, Visct.
Blackburne, J. I.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, J. S.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Bulkeley, Sir R.B.W.
Buller, C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, A.
Cardwell, E.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, Sir W.
Colville, C. R.
Compton, H. C.
Copeland, Mr. Ald.
Corry, right hon. H.
Courtenay, Lord
Crawford, W. S.
Cresswell, B.
Crips, W.
*Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe. hon. O.
Duncannon, Visct.
Du Pre, C. G.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forester, hn. G. C.W.
Fox, S. L.
Freemantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon.Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Harcourt, G. G.
Hardinge,rt.hon.SirH.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Howard, P. H.
Ingestre, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G.
Jones, Capt.
Kemble, H.
Ker, D. S.
Knatchbull,rt.hn.SirE
Knight, H. G.
Knight, F. W.
Lascelles, hon. W. S.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Lincoln,Earl of
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. Gen.
Maclean, D.
Mc.Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S
Neeld, J.
Neville, R.
Newdigate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reid, Sir J. R,
Repton, G. W. J.
Richards, R.
Roebuck, J. A.
Round, C. G.

Round, J.
*Rumbold, C. E.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Smith, A.
Smith, rt. hon.T. B. C.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Tollemache, J.
Tomline, G.
Trelawny, J. S.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vernon, G. H.
Vivian, J.E.
Wall, C. B.
Wellesley, Lord C.
Wilbraham, hon.R.B.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Wynn, rt. hn.C.W.W.
Wynn, Sir W. W.
Young, J.

TELLERS.

Hume, J.
Bowring, Dr.

The House again divided on Mr. Hume's motion—Ayes 238; Noes 96: Majority 142.

[The names on the second division are the same as those on the first, with the exception of those against which we have placed an asterisk. The Ayes on the first division were the Noes on the second.

Sir Henry Pottinger.] Lord *John Russell* inquired of the right hon. Gentleman, the First Lord of the Treasury, whether he should now object to his motion for a vote of thanks to Sir H. Pottinger?

Sir *Robert Peel* in reply stated that he should decidedly object to such a motion, as Sir H. Pottinger had not yet been abused in the House, besides which the treaty had not been ratified.

Lord *John Russell* admitted the force of the latter objection, and stated that he should postpone his motion for a fortnight, and hoped, for Sir H. Pottinger's sake, that some one would be found, before the ratification reached this country, who would abuse that distinguished public officer.

Sir *Robert Peel:* The abuse will not come from this side of the House.

The House adjourned at half past two o'clock.

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HOUSE OF LORDS,

Wednesday, May 3, 1843.

Minutes.] Bills. *Public.*—$1^{a.}$ Privy Council Appeal.
$2^{a.}$ Exchequer Bills.
Private.—$1^{a.}$ Stone's Estate.
Reported.—Kendall's Divorce.
$3^{a.}$ and passed:—Great Gransden Inclosure.

HOUSE OF COMMONS,

Wednesday, May 3, 1843.

Minutes.] New Member Sworn.—Lord Rendlesham, for Suffolk (Eastern Division).

Bills. *Private.—Reported.*—Faversham Navigation.
$3^{o.}$ and passed:—Preston Water Works.

Petitions Presented. By Mr. Mackinnon, from St. Bride's, Fleet-street, in favour of the Health of Towns Bill.—By Messrs. P. Howard, Gisborne, and J. Jervis, from Nottingham, Louth, Carlisle, and Norwich, for Altering the Bankruptcy Act.—By Sir W. Clay, Sir J. Hall, and Messrs. Thornely, Phillpotts, M. Gibson, and Gisborne, from a great number of places, for the Total and Immediate Repeal of all Corn and Provision Laws.—By Mr. Blackstone, from 139 places in Warwickshire, for the Repeal of the Malt Tax.—By Sir John Trollope, from nine places, against the Canada Corn Bill.—By Mr. R. Palmer, and other hon. Members, from a number of places, for Church Extension.—By Lords H. Vane, Dalmeny, C. Fitzroy, J. Russell, Duncan, A Lennox, and Marsham, Sirs L. Hay, R. H. Inglis, G. Grey, C. Napier, J. Hanmer, J. Guest, C. Lemon, B. Hall, E. Filmer, W. Clay, J. Chetwode, J. Owen, and W. Wynn, the Lord Mayor, Colonel G. Langton, Dr. Bowring, Captain Pechell, Major Vivian, Captain Gordon, Colonel Rushbrooke, Captain Plumridge, Colonel Fox, Colonel T. Wood, and Messrs. C. Berkeley, Tancred, Busfeild, Lawson, G. Philips, Standish, Waddington, Brotherton, Lambton, S. Crawford, Cardwell, Jervis, Chute, Escott, Thornely, Greene, Barnard, Bernal, S. O'Brien, Martin, Broadley, Elphinstone, Aldam, Acland, S. Wortley, R. Hollond, Stansfield, P. Howard, Aglionby, Clive, Ward, Strutt, W. Heneage, Stanton, H. Berkeley, Wawn, Mundy, G. W. Wood, Gill, Muntz, Grimsditch, Benett, Phillpotts, Scott, Ord, Macaulay, M. Gibson, Blackstone, G. Knight, E. Rice, Divett, Etwall, Gisborne, O. Stanley, T. Duncombe, Forster, W. Ellis, and Ewart, from an enormous number of places, against the Factories Bill.—By Lord Ashley, Sir R. H. Inglis, and Mr. Hardy, from several places, in favour of the same.—By Sir W. O'Brien, from Castlebar Union, against the Irish Poor-laws.—By Lord Howick, from Yorkshire (West), against the Export Duty on Coal.—By Mr. Liddell, from Houghton-le-Spring, against portions of the Poor-laws, and for the Repeal of the Registration of Births, etc. Act.—By Sir R. H. Inglis, from Canterbury, for Amending the Parochial Assessment Act.—From Eton, and Rhuabon, against the Union of the Sees of St. Asaph and Bangor.—From Lindley, Alford, Deighton, and Dewsbury, for Limiting the Hours of Labour for Children in Factories.—From the Chairman of a Meeting, in favour of the Divorce Bill.—From Newcastle, against the Health of Towns Bill; and from the same, for the Abolition of Church Rates.—From Bristol, and Trowbridge, against the Turnpike Roads Bill.—From Portsea, against Church Rates.—From Arklow, Enniscorthy, and Ballinglass, against transferring the Mail Coach Contract to Scotland.—From Edinburgh, for Medical Reform.—From Bristol, for Exempting Literary and Scientific Institutions from the Payment of Taxes.—From Castlebar, against the Irish Poor-law.—From Tindal Ward (Northumberland), against the Ecclesiastical Courts Bill.—From Brighton, and London, against French interference in Tahiti.—From the Presbytery of Garioch, and Strathbogie, for Relief to the Scotch Schoolmasters.—From Nottingham, for Inquiry into the General Distress.—From the Chairman of a Meeting at Whitechapel, for the establishment of Home Colonies.

Poor-Law (Ireland).] Mr. *Smith O'Brien* wished to ask a question of the right hon. Baronet opposite. As the Government had refused to postpone the second reading of this bill, he wished to know whether they would enforce the production of papers relative to the working of the law in Ireland, and with respect to which a motion had been made by an Irish Peer in the other House three months ago; and a motion to the same effect had been made in that House more than six weeks ago. It was to be wished that the House should have the opportunity of possessing the information to be gained from these papers.

Sir *James Graham* replied, that he had no power to enforce the production of those papers. In consequence of the motion that had been made, he had directed inquiries into the subject, and found that the Poor-law Commissioners were making every effort for the production of those papers, but the returns were most voluminous, and had not yet been completed. He assured the hon. Gentleman that there had been no intentional delay in any quarter.

Don Carlos.] Mr. *Borthwick* had a question to put to the right hon. Baronet relative to the detention of Don Carlos in France. A question had been asked on this subject in the French Chambers, and the difference of treatment pointed out which was experienced by Queen Christina and Don Carlos. From the answer of the French minister, it seemed to be implied that there was no intention on the part of the French government of liberating Don Carlos. The question he had now to put was, whether her Majesty's Government, observing the position of that illustrious personage, had the intention of interfering, by friendly mediation, to obtain his liberation.

Sir *Robert Peel* intended to answer the question without reference to what might have passed in the French Chambers, and of which he could have no cognizance. His answer was for the House of Commons. He had already given, about three weeks ago, all the information on this subject it was in his power to afford. He had undertaken to say, on the part of the British Government, that they had no wish that Don Carlos should be subject to any restraint whatever; but that considering what had passed relative to that prince, and what might be the consequence to Spain, they could not consent to an unlimited liberation of Don Carlos. What had passed and what might be apprehended, justified, he thought, the British Government and the French government in imposing the present restrictions upon Don Carlos. He was quite sure that if an efficient guarantee for the future could be given, there would be no objection on the part of the French government to release Don Carlos; but they could not forget what had passed, and the consequence was that they could not consent to his unconditional liberation.

The Order of the Day was then read.

Marriage and Divorce.] Mr. *Elphinstone* moved the Order of the Day for the second reading of the Marriages and Divorces Bill.

Dr. *Nicholl* said, the hon. and learned Member had not stated any reason to induce the House to agree to his motion.

Mr. *Elphinstone* said, the House was aware that at present suits for divorce were carried on in the various provincial courts, subject to appeal to the courts at York and Canterbury. Now, with the exception of London, those courts were totally unsuited to the trial of such questions. The judges were wholly unqualified; they were unassisted by a bar, and consequently there was little chance of justice being obtained. Then the expense of the present mode of proceeding was enormous. In one case, which was first tried at the Court of Wells, and in which the suitor was poor, the expense was upwards of 1,500*l.*, all of which ultimately fell on the suitor, in consequence of the adulterer becoming an outlaw and insolvent. Under the present law of divorce, three steps were necessary before a divorce was complete—first, a suit at common law; second, an appeal to the ecclesiastical tribunal; and third, a bill in Parliament. His object was to have a new court appointed with judges nominated by the Crown, which should be empowered to try the case, and grant a divorce *a vinculo matrimonii*, which was the law of every Protestant country but this. He concluded by moving that the bill be read a second time.

Mr. *Ewart* seconded the motion with much pleasure; and did so because of the injustice and expense of the present system. The cost of a divorce *à vinculo matrimonii* was about 800*l.*; in Mr. Mitford's case, it had been upwards of 900*l.* Thus, a poor man had not the possibility of procuring a divorce. The cost of a divorce in the Court of Session in Scotland was not more than 30*l.*, and in some cases not more than 20*l.*; and the poor man was not, therefore, precluded from seeking it: and he did not see why they should not seek to assimilate the law. He thought the present bill founded in justice, and therefore cordially supported it.

Dr. *Nicholl* said, the bill was in direct contradiction to the reports of the ecclesiastical commissioners. He had understood that the bill was not to extend to divorce *à vinculo matrimonii*, or he should not have consented to its introduction. The hon. and learned Member had quoted no authority whatever in support of the bill. The bill was at variance with every other bill which had been introduced on the subject, and proposed, "at one fell swoop," to destroy all the spiritual jurisdiction of the archbishops and bishops. He believed also that the bill had been prepared without consultation with any of the ecclesiastical or legal authorities. Besides, it was different in its provisions from the bills of Lords Campbell and Cottenham. Under all these circumstances, he felt bound to oppose its further progress, and he should therefore move that the bill be read a second time that day six months.

The House divided on the question that the word "now," stand part of the question.—Ayes 41; Noes 105: Majority 64.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Barnard, E. G.
Barron, Sir H. W.
Bernal, R.
Brotherton, J.
Byng, rt. hon. G. S.
Childers, J. W.
Christie, W. D.
Clive, E. B.
Crawford, W. S.
Divett, E.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Etwall, R.
Gibson, T. M.
Hatton, Capt. V.
Hill, Lord M.
Langston, J. H.
Marjoribanks, S.
Marsland, H.
Martin, J.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
O'Brien, W. S.
Pechell, Capt.
Plumridge, Capt.
Ross, D. R.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strutt, E.
Thorneley, T.
Trelawny, J. S.
Tufnel, H.
Vivian, J. H.
Wall, C. B.
Wawn, J. T.
Williams, W.
Wood, B.

TELLERS.
Elphinstone, H.
Ewart, W.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Allix, J. P.
Arkwright, G.
Bailey, J. Jun.
Baillie, H. J.
Baring, hn. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Blackburne, J. I.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Brownrigg, J. S.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Colquhoun, J. C.
Compton, H. C.
Copeland, Ald.
Corry, rt. hn. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Dick, Q.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. O.
Dungannon, Visct.
Du Pre, C. G.
Egerton, W. T.
Estcourt, T. G. B.
Feilden, W.
Fielden, J.
Flower, Sir J.
Follett, Sir W. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, W. O.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hardinge, rt. hn. Sir H.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Hope, G. W.
Houldsworth, T.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Lord Mayor of London
Maclean, D.
Mc. Geachy, F. A.
Manners, Lord J.
Martin, C. W.
Master, T. W. C.
Maxwell, hon. J. P.
Meynell, Capt.
Mordaunt, Sir J.
Mundy, E. M.
Newdigate, C. N.
Nicholl, rt. hon. J.
Pakington, J. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Pollock, Sir F.
Pringle, A.
Rendlesham, Lord
Round, C. G.
Shirley, E. P.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stanton, W. H.
Stuart, H.
Sturt, H. C.
Thesiger, F.
Tollemache, J.
Tomline, G.
Trotter, J.
Wyndham, Col. C.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

Bill put off for six months.
House adjourned.

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HOUSE OF LORDS,

Friday, May 5, 1843.

MINUTES.] BILLS. *Public.*—1ª. Apprehension of Offenders.

Reported.—Exchequer Bills.

Private.—1ª. St. James's (Westminster) Improvement; Glasgow City and Suburban Gas; Milnes Free School; Preston Water Works; Neath Harbour; Newport (Monmouth) Gas.

Reported.—Northern and Eastern Railway; Cromford and High Peak Railway; St. Helen's Water Works; London and Brighton Railway; London Cemetery; Leeds Gas.

3ª. and passed:—Kendall's Divorce.

PETITIONS PRESENTED. By Earls Fitzwilliam, and Clarendon, and Lord Hatherton, from Whithorn, Dunfermline, Newcastle, Lanark, and Musselburgh, for the Total and Immediate Repeal of all Corn and Provision Laws.—By the Marquess of Downshire, from Belfast, in favour of the present Irish Poor-law.—By the Earl of Shaftesbury, from the Isle of Thanet, for the Repeal of the Beer Act.—From Westbourne, Otterton, and Emsworth, for Altering the Poor-laws.—From Glasgow, for Medical Reform.—From Grendon, Castle Ashby, and Whiston, for the Repeal of the Malt Tax.

EDUCATION OF THE PEOPLE.] Lord *Brougham* said that he had had forwarded to him for presentation a number of petitions from Tring, in Hertfordshire, Birmingham and other places, on the subject of education. He believed that as the bill to which these petitions referred was not yet before their Lordships, it was not competent to him to present these petitions, but he would avail himself of the opportunity to say that he regarded with unfeigned and deep sorrow, almost with despair, the aspect which the religious mind of the community of Churchmen, Wesleyan Methodists and Dissenters, appeared lately to have assumed on the great subject of popular education. He really was beginning to despair of the Legislature ever being able to extend materially the inestimable blessings of instruction to the people, because he found that the friends of education in the Church, among the Wesleyan Methodists, and among the Dissenters, though all of them respectively very warm indeed in support of the principle of popular education,—though very anxious to extend to all persons sound instruction, as well religious as civil,—though all respectively great friends of popular education, yet, the baneful truth was but too manifest, that they suffered all their various efforts to be neutralised, because each and all of these various classes preferred to the extension of popular education one other object, and that one other object was a victory over each other. The Church was anxious to educate the people, but the Church was still more anxious to get the better of the sects; the sects were anxious to have popular education, but the sects were still more anxious than this to overturn the Church. Now it was quite clear to him, that until all the various parties chose to give up respectively somewhat of their various prejudices, and passions, and arrived at the improved state of mind which should teach them that it was a far higher object that the people should be educated, than that sectarian prejudices and passions should be exasperated, or that sectarian triumphs should be aimed at, it would be quite impossible for education to make that progress which it must make, ere it became generally beneficial, and which progress it might easily and surely make, and maintain when made, but for these unhappy religious dissensions.

Subject at an end.

SERVIA AND RUSSIA.] Lord *Beaumont* said, that in rising to submit to the House the motion of which he had given notice previous to the recess, he felt himself under the necessity of trespassing for a short time on their Lordships' patience, while he recalled to their recollection some portion of the past history of Servia, as well as the important part that province of the Ottoman empire had ever played in the transactions which took place between the Sublime Porte and its powerful and aggressive northern neighbour. Nor was he forgetful that in approaching this subject he was entering on no less a field than that of the balance of power in Europe, and that on which the balance of power mainly rested, namely, the integrity and independence of the Ottoman empire. He might, moreover, be liable to the imputation of presumption when he stated that if the reports which had reached this country through the Augsburg Gazette, and Algemeine Zeitung, and other German papers, proved to be true, he (Lord Beaumont) would not hesitate to declare that the Secretary of State for Foreign Affairs in this country had permitted a heavy blow to be struck at our political importance, as well as our commercial prosperity in the East, and by so doing had seriously endangered the very existence, as well as independence of the Ottoman empire, for he must remind their Lordships that in the long series of attempts made by Russia against the Turkish empire, Servia was but one chapter in the history, one thread in the web, one link in the chain with which that northern invader was seeking to encircle and bind down the Sublime Porte. Nay, this last monstrous act of the Emperor was but one in that long list of similar events which so rapidly followed each other in the history of Russian aggression, which combined with repeated outrages on Turkey, studied insults and contemplated injury to England itself: it was but a part of that extensive plan which embraced the occupation of the mouth of the Danube, under pretence of establishing lazzarettos, the seizure of the coast of Abasia, the raising fortresses south of the Ruben, and which had already succeeded in insulting our flag with impunity in the Black Sea by the capture of the *Vixen*, and not only estranged Persia from our alliance, but had by ingenious intrigues the noble Earl behind him into the most bloody and disastrous war that ever incarnadined the plains of Central Asia. It were idle for him to dwell upon what he had already stated, namely, that the balance of power in Europe depended upon the integrity and independence of the Ottoman Empire, but if they wished for high authorities, he could quote every great Statesman from Chatham down to the present day, all of whom had agreed that it was the undoubted interest of the Western Powers of Europe to maintain so important a Member of the European family as the Sublime Porte in its full integrity and independence. He might quote similar opinions on this subject from foreign as well as English works of high estimation, but amongst the infinite variety of sources from which he might produce high authority to back his opinion, he would consult the convenience of their Lordships by confining himself to two extracts. On the 30th of January, 1828, he found the following words recorded as having been delivered by a noble Member of that House:—

"I must state that the Ottoman power has long been an ally of this country—that the Ottoman power has long been an essential part of the balance of power in Europe—that the preservation of the Ottoman power has been for a considerable number of years an object not only to this country but to the whole of Europe, and that the changes of possession which have taken place in that part of the world render the preservation of the Ottoman Empire as an independent power and capable of defending itself, an essential object."

Such (continued Lord Beaumont) were the opinions professed in this House by the Duke of Wellington. On the 17th of July, in the same year, he found the following words reported as having fallen from another noble Lord in that House:—

"In his opinion the existence of Turkey as an independent power—as a power of weight and considerable influence in the affairs of Europe—was essential to the preservation of that balance which it had always been the policy of this country to preserve. In his opinion, if any material diminution in the power of Turkey took place, it would be felt by all the great powers of Europe, and if that was the case, it would be our duty to preserve it as entire as possible."

Such were the opinions of the Earl of Aberdeen, and he (Lord Beaumont) thought, that after the announcement of these two high authorities which he had selected from amongst so many others, he might very safely repeat his own firm conviction, that the maintenance of the integrity and independence of the Ottoman empire should ever be made a prominent matter in the councils of the European powers. Having laid down, by way of preface, these general maxims as the adopted rules of European policy in the Eastern question, he would proceed to show that the conduct of Russia in recent events had been a violation of those general rules, and was, at the same time, both derogatory and injurious to the dignity and independence of the Sublime Porte. He would, moreover, undertake to prove, that its recent interference in Servia not only could not be justified by any of the three treaties now existing between Russia and the Sublime Porte, but that it was contrary to the spirit of her own declarations, and in defiance of the treaties which the emperor had ratified with England and other high contracting powers. And, if their Lordships would follow him through the rapid sketch he intended to give of the history of Servia, he would undertake to prove that Servia had ever been the door which Russia endeavoured to keep open for the free access of her intrigues in the Ottoman provinces, and that through Servia she had paved the way for her own intrusion into the counsels of the Divan, and hoped eventually to arrive by means of disturbances in that province at the complete usurpation of the authority of the Porte; for it was self-evident that the object she has in view was no less than the grasping with her own hands the power, influence, and position, which justice to Turkey, and the interest of Europe at large required that the Sultan alone should possess and retain. It was not by arms, nor in the open field, that the insidious policy of the court of St. Petersburg sought to effect this purpose, nor in her past advances towards the coveted object, had she ever gained so much by victory in war as she had obtained by diplomacy in peace. No: the usual plan of Russia had been to seek out or create some disturbance in the internal affairs of the empire, and then, under pretext of protection, or in the disguise of an ally, to insinuate herself with the Divan; or else assuming the garb of a friend to the liberties of some particular sect or tribe, assume to herself the privilege of interfering in the numerous concerns of the heterogeneous masses which form the population of the Ottoman empire. In fact, he knew not how to explain the conduct of Russia, unless he compared it to the habits of the spider, which, after having with consummate skill and systematic perseverance spun the foul web in which its victim is destined to entangle itself, retires into its nook, and there with sullen complacency and malignant patience, waits until the expiring victim has completely exhausted itself, and no longer able to attract attention by its struggles; then in silence approaches the entangled wretch, and at leisure devours it, when not a sound of complaint or an effort at resistance can be heard. In retracing the history of Servia he would go back as far as the first revolution in that province, which took place in 1804, when an insurrection broke out amongst the Haidouks, or robber tribes of the mountains, who under the leadership of Tzerny-George, were completely successful against the small garrisons of Turks, and after ravaging the country, entered Belgrade in triumph, and there committed the most frightful cruelties. Scarcely, however, had they driven the Turkish troops out of Servia than disputes arose amongst themselves, and each of the vaivodes or neze who had followed Tzerny-George to Belgrade returned to his respective district, and there attempted to appropriate to his own use and benefit the taxes which he had formerly collected for the Sublime Porte. It would, perhaps, be as well for him (Lord Beaumont) to mention the condition Servia was in previous to the insurrection, in order to understand the means the people had at their disposal at the period of the revolt, as well as the nature of the constitution they attempted to give themselves subsequent to that event. Before the insurrection the Sublime Porte had divided Servia into twelve small pashalicks, or rather agaships, under the immediate direction of the vizier of Belgrade. These agas collected the taxes and paid them in gross over to the vizier of Belgrade. After the insurrection these twelve districts were increased to seventeen, and the chiefs or neze as they were called in the country, took possession of these districts, and after the expulsion of the Turkish troops, governed them under the nominal supreme direction of the Tzerny-George. They soon, however, in the collection of taxes, and the exercise of their usurped authority, so persecuted the people under them, that these rose against them and appealed to Tzerny-George, who, after some bloodshed, was acknowledged by the nation as dictator. It was his great object, as well as after him, that of Milach, to deprive these petty chiefs of undue authority, and to concentrate the power and administration of the province in a strong central government. It was also on the other hand a great object with the people to have a sort of national assembly instituted, to which representatives from the different nahias or districts might be summoned or deputed, and wherein they might state their complaints against the local governors, and express their wishes and views to the nation at large. Some such institution lived in their memories, and had in former times been known under the name of a Scoupina. Such was the condition of the Servians, and such the object the insurgents had in view at the period of the first revolt. In the subsequent history of Servia a constant struggle was carried on between centralization on the side of the supreme authority or elected prince, and the spirit of independence on the part of the neze or local governors of the nahias or provinces. When, however, the petty chiefs found themselves successively defeated by the persevering energy of Tzerny-George, and saw that all things were gradually coming under his sole power and direction, they proposed (and it was the first time they thought of having recourse to such a step) to appeal to Russia as mediator between them and Prince Tzerny-George, and by her influence to settle the differences which existed between them; and Russia, who now refused to recognise the election of Alexander Georgewitch, because his election (as she pretended) had been the result of violence and revolution; then, when it suited her interests, not only undertook the superintendence and settlement of the affairs of a set of revolted chiefs, but, without hesitation, acknowledged the election of a prince, whose whole power and supremacy had been the result of a most violent and bloody insurrection. With her advice, and at her suggestion, each of the twelve districts were called upon to elect a deputy, and it was further proposed that these twelve deputies should form a senate, and act as a council under the presidency of prince Tzerny-George. In addition to this proposed constitution, the Emperor suggested through his envoy Rodophinikin, that in order to secure to the Servians the independence they had achieved by their late revolution, that province should be put under the joint protectorate of Russia and the Porte. Thus did Russia interfere to acknowledge the right to revolt, and to confirm an election founded on a popular movement; and now that self-same power interferes in an opposite sense, and makes a revolution an excuse for annulling the recent election. Tzerny-George, however, rejected the advice of Russia, and not only refused to acknowledge her right to control the affairs of Servia, but on every occasion endeavoured to assert the independence of the Servian people, both as regarded Russia and the Ottoman Porte. Nor was it till the governors of the Nahias had nearly triumphed in their resistance to his dictatorship that he consented to the promulgation of a constitution under the nominal protection of the Emperor. During the whole of this time the utmost confusion had reigned in the province, and a continual struggle was maintained between the prince's party and the discontented Neze. Turkey was involved in a war with Russia, and had too much on her hands at that moment to punish and subdue her revolted subjects at Belgrade. In the year of 1812, however, that war was brought to a speedy conclusion, and it is from this date that the present claim of Russia to interfere in Servia is invariably stated to refer. The war which then broke out between France and Russia made the latter power eager to conclude a peace with the Porte, nor was the Porte at all reluctant to accede to the terms of peace suggested by the envoys of the Emperor; for while Russia was anxious to withdraw her troops from the Danube to meet the advance of a more formidable enemy on her western frontier, the Porte was distrustful of the proffered friendship of Napoleon after it had become acquainted with the propositions of Tilsit and the understanding come to at Erfurth. The war then, which for three years had raged between Turkey and Russia was terminated by the treaty of Bucharest, and he requested their Lordships to remember that it was under the stipulations of this treaty the Russians attempted to justify their recent interference in Servia. Now he would undertake to prove that this treaty gave no such claim to Russia to interfere, nor did it contain any provisions to enable that power to take part in the choice of a governor of that province, nor by any construction or interpretation of the clause in question could the emperor justify the attempt to usurp a control or share in the internal government of the country. The eighth article of the treaty was the only one which alluded to Servia, and all that article provided was.

> "The Ottoman Porte grants a pardon and general amnesty to the Servians who shall in no wise and means be molested for their last actions. The fortresses lately erected in their country shall be demolished as being unnecessary, and the Sublime Porte will put garrisons into the ancient fortified places. But that such garrisons shall not infringe any of the rights belonging to the Servian people, the Sublime Porte will for such purpose adopt in concert with the Servian nation such measures as may be necessary for their security. The Porte grants to the Servian nation the same advantages as are enjoyed by her subjects of the islands of the Archipelago, and cause it to partake of the effects of her magnanimity by permitting it to have the sole management of its internal concerns by fixing the mass of contributions which it will receive from its own hands, and finally, will regulate all these matters conjointly and in concurrence with the Servian nation."

In the whole of the article there was not the slightest mention or notice taken of the right of Russia to interfere in the choice of a chief for that country: on the contrary, it was specifically stated that the election should be the sole act of the Servian people under the protection of the Sublime Porte, and by the remaining terms of the treaty it was distinctly specified that Russia should exercise no such influence or veto in the election or choice of a chief. He said this distinctly and advisedly, because he could not otherwise interpret the circumstance so remarkable, and the distinction so clearly drawn in this and all subsequent treaties between the principalities of Wallachia and Moldavia, and that of Servia; for though the two principalities formed a conspicuous topic in all these documents, they were invariably separated from Servia and treated as being under totally different provisions. These states had separate articles made with reference to their administration, and although in those articles it was stipulated that Wallachia and Moldavia should remain under the government of the Porte, but that the internal administration of the country should be placed under the superintendence of the Hospodars. Yet it was specifically laid down that the rights of these parties should be guaranteed by Russia, and that she should, as joint protector, exercise some authority in the appointment of the chiefs; whereas in the article regarding Servia, that province was treated as an integral, part of the Ottoman empire and made totally independent of Russian interference. In continuing the history of Servia subsequent to the treaty of Bucharest, their Lordships would remember that in that treaty there was a provision for a general amnesty to the Servians for the part they had taken in the late war with Russia, but the Turks did not interpret that amnesty as extending to the revolt in the year 1804. The vizier therefore entered the province in the year 1814, seized on the ancient fortresses and recovered Belgrade, punishing at the same time the insurgents of the year 1804, and confirming the election of theirchosen ruler Tzerni-George. The restless and discontented Neze, however, renewed their struggle against the central government, but the Servian people insisted on the fulfilment of the rights that had been guaranteed to them by treaty, and on this as on subsequent occasions refused to abandon the ruler whom they had chosen. Russia did not interfere either then or in the following year, when Tzerni-George, disgusted by the opposition of the minor chiefs and ill-supported by the authority of the Porte, threw up the reins of government and abandoned his country. It was then that Milosch, who had first appeared in the ranks against Tzerni-George in 1813, came forward as the leader of the people, and by them was elected ruler or Ober-neze. He submitted to the vizier of Belgrade, and by him was appointed chief of Servia, and the agent through whom all communications should be made to the Porte. The contest, however, between the local authorities and the central government still continued, and it was necessary for their Lordships to remember that the object of Milosch, as of Tzerni-George before him, was to extinguish the power and independence of the petty chiefs, and concentrate the administration of the country in his own hands. The Turks assisted him in his struggle against the revolted chieftains, but there was something either in the character or the imperfect education of this man that made his mind a constant prey to suspicion, and his conduct in consequence a tissue of inconsistencies. According to the information he (Lord Beaumont) had received, Milosch was profoundly ignorant in every branch of learning, could neither read nor write, and had passed his early days as a tender of sheep or swine in the mountains of the province. In 1816 he suddenly conceived himself to be an object of suspicion to the Turks, and fled with precipitation to Austria, but again returned in the same year, joined the insurgents and, to make the inconsistency complete once more submitted to the Pasha of Belgrade, and by him was re-appointed agent and oberneze. By the energy of his character, however, and the assistance of the Turks, he succeeded in gradually destroying the local chiefs, and before the year 1824 had reduced to obedience the greater portion of the Nahias or mountain districts. During the whole of this period Russia was silent, although as he had stated the people had revolted against their former ruler, chosen another chief, and continued till the year 1824 a kind of civil war between the Porte and Milosch on one hand, and the Neze and their followers on the other, the former wishing to secure to themselves the whole control in the government of the province, by means of centralization, and the other seeking to make the municipal government of each separate district as independent as possible. At the same time Milosch was amassing enormous wealth, and by the eagerness he displayed to increase his private fortune, gave great offence to many influential Servians. The firman sent to Belgrade in the year 1820, contained the draught of a constitution in accordance with the terms of the treaty of Bucharest, but Milosch evaded the execution of it, and first by intrigues with the Pasha of Belgrade, and then by sending agents to Constantinople deferred the promulgation of the Hatti Sheriff till 1825, when he called together the assembly of the nation, and proposed himself as their hereditary prince and ruler. On this occasion also, Russia did not think herself called on to interfere, and yet the proceedings were exactly the same as on the late election of Kara-George. Although the convention of Ackerman took place in the following year (that was in 1826), and although the part taken by the people of Servian in the election of Miloch might be called revolutionary, Russia did not at that time say a single word as to the election of a ruler by the people of that province being an act of rebellion, nor did she call upon the Porte to annul the acknowledgement of the Vizier of Belgrade. There could be no doubt that as the convention of Ackerman took place the year after the election, that if Russia had thought it for her interest to interfere, and that she had at the same time a right to do so, she would not have hesitated. But what was the course she pursued? She betrayed her anxiety to interfere, but so far from claiming a right according to treaties to do so, she renewed her former declaration and again solemnly stated that the people had a right to elect their own chief, and that the propriety of the choice was a question solely concerning the Porte and its Servian subjects. Let the House hear what were the stipulations contained in the 5th article of the convention of Ackerman and the separate articles added to that treaty,

"The Sublime Porte desiring to give the Imperial Court of Russia a striking proof of its friendly disposition and of its scruplous attention to fulfil exactly the conditions of the treaty of Bucharest, will immediately put in execution all the terms of the eighth article of that treaty, which respects the Servian people, who having been *ab antiquo* subject and tributary to the Sublime Porte, ought on all occasions to experience the effects of its clemency and generosity. In consequence the Sublime Porte will regulate with the deputies of the Servian people the measures which may be considered the best calculated to insure the advantages stipulated in their favour and the enjoyment of which advantages will at the same time be a just recompense and the best guarantee of the continuance of that fidelity of which this people have given so many proofs to the Ottoman Empire. As a term of eighteen months is deemed requisite for the proceedings necessary to the completion of this object in conformity with the separate article added hereunto, and agreed on by the plenipotentiaries of the contracting powers, the said measure will be drawn up in concert with the Servian deputies at Constantinople, and set forth in full in a firman, clothed with the authority of the Hatti Sheriff, which firman shall be put into execution on the shortest possible delay, at the very latest within the aforesaid term of eighteen months, and shall moreover be communicated to the Imperial Court of Russia and thenceforth considered as an integral part of the present convention."

The separate article was as follows:—

"The Sublime Porte in the sole intention of fulfilling faithfully the stipulations of article eight in the treaty of Bucharest, having previously permitted the Servian deputies at Constantinople to lay before it the demands of their countrymen on all the points most calculated to consolidate the security and welfare of the country, these deputies had in their memorial stated the wishes of the Servian people in respect of several subjects such as the liberty of exercising their religion, the choice of their chiefs, the independence of their internal administration, the reunion of the districts detached from Servia, the union of various taxes into one tribute, the concession to the Servians of the administration of the property belonging to Mahomedans, on condition of the payment of the revenue accruing from such property, together with the tribute to the Porte, the freedom of trade and their permission of Servian merchants to travel in the Ottoman States, with their own passports, the establishment of hospital schools and printing-presses, and lastly the prohibition of Mahomedans to establish themselves in Servia, excepting those who belong to the garrisons."

He entreated their Lordships to observe that there was a separate article with regard to the affairs of Servia, and another separate article regulating the future government of Moldavia and Wallachia, and did not this very circumstance of separating Servia from the other two principalities show that Russia did not then consider that she had the same right to interfere with the internal government of Servia as she undoubtedly had by treaties to interfere in the affairs of Moldavia and Wallachia. It appeared then both from the wording of the treaties he had read and the conduct of Russia on the occasion, that she acquiesced in the right set up by the people to elect their own chief, and have that election confirmed by the Porte alone: for the people on this occasion as on all former ones elected Milosch while the country was in a state that might well be called a state of revolution, and yet the elector was acknowledged to be valid provided the Porte confirmed it. It was not till the other day, not till fifteen years afterwards, not till the late election of Kara-George, that Russia in forwarding her own interest, thought it incumbent on her to interfere, and on the plea of discouraging revolutionary movements, informed the Porte that she could not acknowledge the prince. And yet it was on the article in the convention of Ackerman, which he had just read, that Russia grounded her present claims, it was on that article which chiefly went to confirm the stipulations of the treaty of Bucharest, and which was again repeated and again confirmed by the treaty of Adrianople, that Russia now forsooth pretended she mainly relied. It should be recollected that from the period of the earliest of these treaties down to the ratification of the last both Tzerni George and Milosch after him again and again, proclaimed various forms of Government which might be called so many constitutions without once consulting Russia, and yet Russia never thought of complaining to the Porte of these violent changes in the internal government of that province. In 1828, war broke out between Russia and the Sublime Porte; the whole of Mr. Canning's policy was defeated and the engagements signed by Russia in the treaty of London, unscrupulously broken through. Unfortunately for the general interests of Europe and the civilized world, the western powers did not step forward to check the aggression of Russia but by a rash act of their admirals commanding in the Mediterranean considerably facilitated her advance. With ten line of battle-ships they attacked a Turkish squadron of three and called the result of this unequal engagement a victory. Had that small but brave fleet so unjustifiably destroyed by the allied powers been in the Black Sea during the siege of Varna, much of the mischief which afterwards ensued to Turkey would have been prevented, and perhaps the fatal treaty of Adrianople never have been signed. The feeble state of the Porte after the loss of its fleet was however, too tempting to Russia, who, in spite of her professions to the Court of St. James's invaded Turkey and when she had by successful intrigues and two bloody campaigns brought that power to her feet, unblushingly stipulated such advantageous terms for herself as materially to weaken Turkey and swell enormously her own agrandizement, notwithstanding the express terms of the treaty of London, and the repeated stipulations that,

> "The contracting powers will not seek in their arrangements any augmentation of territory, any exclusive influence, any commercial advantage for their subjects which the subjects of any other nation may not equally attain."

Before he (Lord Beaumont) pointed out the contradictions between the stipulations of the treaty of Adrianople and those of the treaty of London one of which he had just read; he would refer to an extract from the declaration of war issued by Russia in 1828. The declaration of war amongst other grievances set forth that,

> "An amnesty was promised to the Servians, but instead, an invasion took place, and a dreadful massacre."

In the whole of this declaration of war there was no claim to interfere in the election of a ruler or the internal government of the province, and in the answer of the Sublime Porte to the declaration it was clearly shown that such was the then distinct interpretation of the treaty. In that document he found it stated,

> "The imperial amnesty promised to the Servians for the part they took in the war with Russia was fully granted after the peace; and as a consequence of the natural clemency of his serene highness, particular concessions assured to them their welfare and their repose. The same nation afterwards disregarded the authority of the Sublime Porte and dared to revolt separately and by itself. As the Servians are the subjects of the Sublime Porte, and as the Ottoman government is entitled to treat them according to their conduct either by punishing or pardoning, the merited chastisement was inflicted and happiness restored to the country without the slightest injury to Russia, or infringement of the treaty of Bucharest. This affair of Servia, as well as other like points, distinct from treaties and even some events of smaller importance which ought to be classed under natural accidents always served as motives of complaints on the part of Russia and she never renounced her embarrassing proceedings. However, the Sublime Porte continued to regard her as a pacific friend, to pay attention to all affairs that could have possibly any analogy with the treaties concluded between the two states, and to observe scrupulously the rules of good understanding."

The plea, however, put forward by Russia was, that the articles of the treaty of Bucharest had not been fulfilled although sixteen years had elapsed without her presuming to make such a complaint, and war on no better ground than this shallow pretext was declared against the Porte. That war was brought to a termination as their Lordships well knew by the treaty of Adrianople. In the sixteenth article of that treaty the following reference was made to Servia,

> "The circumstances which have occurred since the conclusion of the convention of Ackerman not having permitted the Sublime Porte to undertake immediately the execution of the clauses of the separate article relative to Servia and annexed to the fifth article of the said convention, the Sublime Porte engages in the most solemn manner to fulfil them without the least delay and with the most scrupulous exactness; and to proceed in particular to the immediate restitution of the six districts detached from Servia, so as to ensure for ever the tranquility and the welfare of that faithful and obedient nation. The firman confirmed by the hatti sheriff which shall order the execution of the aforesaid clauses; shall be delivered and communicated to the Imperial court of Russia within the period of a month from the date of the signature of the treaty of peace."

So much for this, the last of the three treaties between Russia and the Porte. It appeared then from the text of all three that Russia had hitherto never openly and avowedly interfered in the government of this province, and did not put in any claim to be consulted on the subject of the election of a Prince until the late election of Kara-Georgewitch. Her interference till the recent occasion was confined to intrigue. The Turks in the meantime evacuated Servia and handed over to Milosch the Dogano or Customs of Belgrade, who immediately levied 3 per cent ad valorum duty on all goods coming from the other Turkish provinces. In 1835 or 1836, however, Colonel Hodges was sent out as colonel by this country, and it is well known that he treated with Servia as a Turkish province enjoying an independent local administration. But no sooner was it known that colonel Hodges had been appointed consul-general at Belgrade, and that that functionary had been instructed by his government to endeavour to negotiate a commercial treaty with Prince Milosch, and that that ruler had beeen induced to listen to the proposals made to him by the British consul. No sooner was this known than Russia, who had hitherto been a strong supporter and sworn friend of Milosch began to change her conduct rowards that prince and by means of her numerous agents excite disturbances and discontent against his government. Alarmed by the renewed outbreak of the mountain districts and the murmurs of the overtaxed people Milosch applied to colonel Hodges for advice as to the best means of securing the tranquility of the country and obtaining for himself the title of hereditary prince. Colonel Hodges, without any mention of Russia, recommended the prince to make application to the Sultan as the only power which had a voice in the question, for an extension of the privileges of the Servians, and a formal confirmation of his already assumed title of hereditary prince. Mahmoud was then on the throne of Turkey and to him commissioners were addressed. In addition to those who were deputed by Milosch, a Servian of high character and long resident at Constantinople was called into the council by order of the Sultan, who after hearing the application, and maturely considering the subject, forwarded to Belgrade a charter containing extended rights on the part of the people, and the nominal honor solicited by the prince. The firman however, gave little satisfaction, for through the instigation of Russia a general outbreak against the existing government was preparing, and the dissatisfaction which had for some time prevailed in the mountains was fast extending to the rest of the province, chiefly in consequence of the reported wealth of Milosch's private treasure, and the increased taxation of the Nahias. From the moment Colonel Hodges won the ear of Milosch, Russia set every engine at work to overthrow the government of that prince. Her agents induced the senate to charge him with selling the public property for his own advantage, and the people were induced to demand that he should be called to account for the money. Milosch declared the senate in a state of revolt; they declared the sales he had made void; he flies to Timlin, and wishes to have the advice of Austria; the Russian agents feed the insurrection and interrupt the negotiation of Colonel Hodges. Milosch returns to Belgrade and commences a civil war. The senate and people triumph and endeavour to bring the prince to trial. Finding the difficulties of this government encreasing, and alarmed for his private fortune, he proposed to abdicate on condition he were allowed to retain the immense wealth he had accumulated. The senate were obstinate in their demand for an inquiry, and it was not till after much exertion on the part of the foreign consuls and strange vacillation on the side of Milosch that the people consented that their former ruler should not be called to account for the state of the public revenue during the period of his administration. With this assurance and the conviction that he was unable to overcome the difficulties that surrounded him, he at last with reluctance, but with some show of dignity abdicated in favour of his son. The son succeeded to the hereditary title which had been promised Milosch as prince of Servia, but the public discontent was not allayed by the change of rulers, nor the civil war put an end to by the new state of things. He would undertake to say that no one who attended to the affairs of the East doubted at present but that Russia herself had originally excited this revolt against the Obrenowitch family, and was the author of the confusion into which the province was thrown; for although prince Milosch had formerly been a favourite of Russia, and even been subservient to her ambitious views, yet no sooner was he suspected of listening to Colonel Hodges, and disconnecting himself from the aggressive designs of the court of St. Petersburg, than that power set every engine at work to increase the revolt against him, and determined, at any risk for the time, to overthrow his government. The people, however, were not satisfied with the mere change from Milosch to Milen or Michael, for they saw in the sons the continuation of the misgovernment of the father, and rose in revolt against them for the self-same reasons as they had driven prince Milosch from the country. Michael and his mother fled from the capital; the people proceeded to exercise what they considered to be their undoubted right under the constitution granted to the province by a Hatti Sheriff and firman of the Porte, and in general assembly elected Kara-Georgewitch their future ruler and prince. The vizier of Belgrade was cognizant of the proceedings, and after the usual delay the sublime Porte acknowledged the prince and confirmed his election, declaring it to be in conformity with the constitution of the province, and in fulfilment of the treaties with the emperor. The Divan were aware that Michael and his mother princess Loubitza had assisted the revolt in Bulgaria, and had been suspected of offering to join openly with the insurgents. This circumstance made the interest of the Porte coincide with the popular choice, and perhaps was a motive for the immediate acknowledgment of the newly elected Prince. In conformity with the treaty of Adrianople, however, the Porte informed Russia of the change in the government of Servia. He knew not what construction Russia chose to put on this proceeding, nor what instructions she gave to her Minister at Constantinople, but this he knew, that neglecting all international law she forthwith sent an agent of her own into Servia, there to investigate the internal proceedings of an independent state, and on receiving his report directed that agent to state his complaints without consulting any other Power, to the Divan. Now he would venture to say, that a greater or more direct insult than this was never offered to an independent state, and he could not conceive any act that could be a more gross or positive violation of the treaties of Bucharest, Ackerman, and Adrianople, under which treaties she alone could or did set up a right to be informed of what had passed in Servia. Although then Georgewitch was elected by the people according to the constitution of the province, and although the validity of his election was acknowledged by the Divan and confirmed by the Porte, Russia demanded that the election should be set aside, and this demand was made by that Power in such an overbearing manner as to show to the world that Turkey was under the control of Russia and must act in conformity with the dictates of the Czar. It was supposed that the other European powers would have protested against such a gross violation of the rights of an independent state, or that Austria and England at least would have come forward in conformity with their repeated declarations to maintain the integrity of the Turkish Empire, and by firmness on their part induce Russia to abstain from her lawless interference. Most strange however to say, Austria which every one knew was so deeply interested in preventing the continued interference of Russia in the Turkish provinces of the Danube, seemed to lead the way in the abandonment of the Porte, and was the first to give itself up to the designs of Russia. He could assign no other reason for this strange proceeding on the part of Austria than that of fear that this amelioration in the government of Servia would lead to an extensive emigration of the Servian population from some of its own provinces into the Turkish states, and at the same time to create an impatience amongst those who remained to throw off the Austrian yoke. These were the only grounds he could allege for Prince Metternich having recommended the Porte to yield to the demands of Russia. But although Austria had thus acted, although Austria who had been so loud in her professions of friendship towards the Sultan was the first to abandon him in the hour of need, it was still expected that England would not allow this encroachment, but would exert her powerful influence to protect the independence of the Ottoman Empire. It was hoped that some portion of that energy which had so recently characterised the proceedings of the Foreign Office, in maintaining the authority of the Sultan against a powerful but revolted Pasha, would still preside in the councils of Downing-street. But if the information which had reached him were correct, there was no ground to entertain such a hope, for timidity had succeeded to what might have been called by some rashness, and little reliance could in future be placed on the boasted protection of England. According to the German papers England has followed in the footsteps of Austria, and this country, which so short a time since was almost ready to go to war to maintain the integrity of the Ottoman empire, now abandoned her without a struggle to the mercy of Russia. He had been informed, and from the high quarter from which the information came, he believed it to be true, that France to the last moment was willing to uphold the rights of the Sultan and the integrity of his empire, provided that England would stand by her side, and unite her influence with hers in protesting against the conduct of Russia towards the Porte; nor was it till England had abandoned the straight forward line of policy which lay open before her, that France sent instructions to her ambassador to advise the Reis-Effendi to submit, and thus avoid being again separated and alone in respect to the other European powers. He would not detain their Lordships by referring at greater length to what was passed, but merely add, that on a careful review of all that had taken place, he not only could not find anything in the treaties of Bucharest, Ackerman, or Adrianople to justify in any way the late proceedings of Russia, but it seemed clear to him that that power had by those proceedings directly violated the stipulations of the treaties of London and of July, and seriously compromised the interest of England and France in the East. It showed above all that Russia was determined at any risk to secure to herself the paramount influence in the Turkish provinces on the Danube, and at all treaties with Turkey in respect to those provinces or the navigation of that river would be treated by her as vain and no longer binding. Nay, she went still further: she seemed determined that Turkey should not make a single appointment in those provinces, without having first consulted her, and she wished to make it evident to the world that the Sultan could not appoint a Pasha to Belgrade without the approval of St. Petersburgh. Such a monstrous proceeding as the dismissal of Kamil Pasha, such conduct on the part of one state towards the officers of another, was contrary to every principle of justice and rule of international law, for Russia had no more right to interfere in the appointment of the Pasha of Belgrade than she had to be consulted in the nomination of the Viceroy of Ireland, the Governor-general of India, or the Lord High Commissioner of the Ionian Islands. He must again remind their Lordships that the case of Servia was altogether distinct from that of Moldavia and Wallachia. It should be recollected that the latter two principalities were under the joint protectorate of Russia and Turkey, while Servia was always treated as an integral part of the Ottoman empire, and he therefore regarded this last attempt of Russia to gain paramount influence at Belgrade, not as a mere interference in the affairs of a single province, but as another blow aimed at the independence of the Porte, and another exertion to overthrow the balance of power in Europe. But, now, as to future prospects. Suppose, after England had thus abandoned the Sublime Porte—after Austria had sacrificed her own best interests—after the Divan had most unwillingly acceded to the demands of Russia, the people of Servia were to act as they had done before and declare that they had only exercised their undoubted rights which had been promulgated by a Hatti-sheriff, and confirmed by a treaty: that they had chosen a certain person as their ruler, and that they were determined to abide by the election—they had a right to choose their chief, and they would maintain that right. Under such circumstances, what would this country do? Would we allow Russia, as on a former occasion, to send 50,000 men across the Pruth, and under pretext of enforcing the orders of the Sultan, advance into the province of Servia. Would this country allow Russia to act as it did on the first advance of Mahomet Ali into Asia Minor? if it did, Russia would gain the footing she desired, and obtain all the advantages she had so long aimed at. If, on the contrary, we interfered to prevent her advance, we must first retrace the steps we are now taking. He knew not what defence the noble Earl would set up, or on what ground he could justify the step he had taken. He might be told, that Russia did not wish for war—certainly not; he believed Russia did not wish for war when she was allowed thus to act, for she gained twenty times more by her negotiations and her diplomacy than she could ever gain by battles or by war. For his own part he should not be sorry to see a war arise between Russia and the Porte, for, if that were the case, the latter power would have a chance of obtaining some support from other nations, but the stealthy paces it now makes towards its object scarcely awake the suspicion or jealousy of neighbouring states. Europe should remember with what fidelity Turkey had ever adhered to her treaties, and this country should not forget how firm a friend she had ever been to us. Her name was synonymous with good faith, and she had ever declined to interfere in the affairs of other nations. Our word had been again and again pledged to this our most faithful ally, and our honour was interested in now redeeming our pledge. Under these circumstances, and in consequence of the rumours now in circulation, he thought Parliament was entitled to know the nature of the instructions sent to our Minister at Constantinople, and also the line of conduct that Minister had, previous to receiving his instructions, adopted; whether, in the first instance, encouragement had not been held out to the Porte to resist the demands of Russia, and afterwards a different course adopted most reluctantly by the English Ambassador in consequence of the special instruction he received. He cast no blame on Sir Stratford Canning; the conduct of that diplomatist had, he understood, been such as to make the Turks both love and respect him, but while they loved the man they could neither respect nor admire the policy adopted by his country. For the numerous reasons he had detailed to their Lordships, he thought they ought to be put in full possession of the facts, and with this view he moved a humble address for copies of the instructions sent to our Ambassador at Constantinople, and all correspondence between him and the Foreign-office, regarding recent events in Servia.

The Earl of *Aberdeen* was ready to admit it was scarcely possible for any great political change to take place in any quarter of the world without in some degree more or less, affecting the interests of this country. It was, therefore, quite excusable to inquire into any change which had taken place suddenly in a foreign country. In reference to the Servian revolt, it was at first a matter of suspense whether Prince Michael or Prince Alexander should be the chief ruler of the semi-barbarous province of Servia—a province with which this country had little or no communication or commerce, and in which probably not another Englishman beyond her Majesty's consul would be found. But, as the condition of this province might affect the Turkish Government, the importance of this view of the question fully justified the attention which had been bestowed on it. He did not propose to follow the steps of the noble Lord who had made the motion, and enter upon any lengthened detail of the history of the affairs of this province. Enough for the purpose it would be to say, that in the month of September last, a revolt took place, the ruling prince of Servia was deposed, and a youth at that time living in obscurity was placed on the throne. On the occasion of this revolt, the consuls of the European powers including our own consul, united to protest against the illegality, violence, and corrupt proceedings accompanying this event. Her Majesty's Government did not entirely approve of the conduct of our consul-general, it appearing to them that he had gone beyond the province of his duty in pronouncing an opinion upon an internal revolution in a province with which this country had no particular concern. Her Majesty's Government suggested to the consul-general that in taking such an active part as he had, they were of opinion he had to that extent exceeded his duty. But if the accounts which had come to this country of the conduct of the parties who had arrived at power in Servia were correct, then it would appear that the greatest apprehensions were to be entertained for the tranquillity of the country and the safety of the people. He was unacquainted with the gentlemen who filled the office of consul-general for this country; but he had no doubt the Gentleman was of liberal opinions, and would be but little inclined to take any decided part against the freedom and privileges of a people amongst whom he was especially placed. Nothing could exceed the state of horror of the Servian people, from the excesses which had been committed by those who had arrived at power. The noble Lord had distinctly referred to the revolt as an effect resulting from the attempt of a free people to exercise their just right to elect their chief; but so far from this being correct, the revolt was the effect of a corrupt bargain with the Pacha of Belgrade, and two or three ambitious Servian chiefs. The revolt possessed no character of a patriotic or national movement; and so far was he from entertaining the apprehensions expressed by the noble Lord opposite, that Russia would move 50,000 men into Servia, he had very little doubt that in a short time we should see the youth at the head of the Government but too happy to make his escape from that people over whom he now reigned. So much then for the character of the revolt which had just taken place in Servia. In September, when the revolt took place, it was attributed—as every event which happened in that quarter of Europe was attributed—to Russian influence. Half the papers in Europe referred to it as an evidence of the dexterity and skill with which Russia contrived to bring about that state of things which was to lead to the dismemberment of the Turkish empire, and they proceeded to say, that in fact the newly-elected prince was but a puppet of Russia. It turned out, however, that Russia was altogether opposed to the proceedings. The noble Lord accused Russia of improper interference with the Servian privileges; but until very recently, it was equally believed and asserted by those with whom the noble Lord was in communication that the whole of the changes were the act of Russia. The Russian Government had, it was true, thought it right to interfere to a certain extent, and he would state to the House how far Russia had interfered. By the treaties of Bucharest in 1812, of Ackermann in 1826, and of Adrianople in 1829, there could be no doubt that the existence and qualified independence of Servia were secured entirely by the interference of Russia. Among the stipulations which Russia extorted from Turkey was one that the Servian people should have the free election of their chiefs. Now, the manner in which the revolt had taken place, by a corrupt compromise with the Turkish Governor of Belgrade, gave Russia a right to interfere; for this was not a free election, but it was a mere bargain with a Turkish Pacha, and wholly divested of the character of a free election. But all the Russian Emperor wanted was, what he had a right to demand—that a free election take place. If Servia chose to elect the very man now on the throne, Russia would make no objection. Russia would support this man to the exclusion of every other, provided the Servian people determined upon freely choosing him for their chief. Or Russia, on the other hand, would give her support to any other one whom the Servians chose to select. It could, therefore, hardly be said, that what had been done by Russia was a strained exercise of her power, under those existing treaties, which conferred on her the right to secure by interference the free election of a sovereign for Servia. The noble Lord had found fault with her Majesty's Government for the part they had taken in the affair. He should be very glad to hear what the noble Lord thought the Government ought to have done. We had no motives for interfering. We were no parties to these treaties between Russia and the Porte. No question affecting the honour of this country was concerned in the interpretation of these treaties. We had no further concern with them than as they formed part of the public affairs of Europe, unless anything should take place under them to interfere with the independence of the Turkish empire, or with the general interests of Europe, which would call upon us to interfere in the interpretation of these treaties. He apprehended, that if England had stipulated with the Porte such treaties as those to which the noble Lord had referred, and an event of this kind had taken place, and we had thought proper to interfere, in order to secure the due execution of such treaties, we should not have tolerated the interference of any other power in the interpretation of those treaties—that we should have fixed our own interpretation upon them, and have exacted from the Porte that which we considered the due fulfilment of the conditions. Had we not, in fact, seen something of that nature only very recently? Had we not ourselves, in consequence of an engagement, not of the solemn nature of a treaty, but an engagement on the part of the Turkish government to the British ambassador at Constantinople, that certain privileges should be afforded to the people of Syria,—had we not for this last year and a half been engaged in compelling the Turkish government to fulfil that engagement, and only, at last, but recently succeeded in obtaining the conditions that we exacted — those conditions bearing upon the internal government of the province, the destitution of one chief and the appointment of another. All this interference in the internal government of the province undoubtedly this country never would have thought of exercising, and never would have been justified in exercising, had it not been that, under the engagements of the Turkish government, British agents had given promises which it was incumbent on the honour and good faith of this country to see fulfilled. All that Russia had demanded in consequence of the treaties made between her and the Porte was that they should be fulfilled by a fair election taking place in the province of Servia, instead of the scandalous transaction which he had already described to their Lordships from the accounts given by her Majesty's consul on the spot, during the whole transaction. But even if we entertained any doubt about the precise stipulations, and the effect of the stipulations of these treaties to which we were no parties,—but if we had entertained doubts, and had thought that the interpretation put upon them by Russia, and the right claimed under them was wrong, he should like to know what was the course which, as men of common sense and common prudence, we ought to have followed under such a supposition? Why, of course, in the first instance, we should naturally look to the power, which, of all others, was most interested in the condition of Servia as a neighbouring state, possessing a population of a similar character, and in every view called upon to exercise an interest far beyond that which this country could possibly have. What was the course taken by Austria? Austria, with strong motives—and, give him leave to say, with friendship and good-will towards the Turkish empire quite as sincere as it is possible for this country to entertain, and therefore not liable to all those suspicions which the noble Lord has thrown upon every proceeding upon the part of Russia—the course which Austria took, as judge of this affair, was to support, unequivocally and decidedly, the pretensions of Russia upon this subject, and to counsel the Turkish government, without delay, to acquiesce, and to do justice to the demands of Russia, and to fulfil the engagements existing under the treaties to which he had alluded. Without having the same direct interest in the question, but merely exercising the general inspection which belongs to all great European powers—Prussia gave the same advice. What was this country to do? Even if we had entertained, which he was not at all about to express, any different opinion as to the just pretensions of Russia under the treaties—if we had entertained a perfectly different opinion, and had thought that the encroachments and the attacks which the noble Lord described, were of the character which the noble Lord stated, still, he must say, that after all it might be a question of prudence how far this country could feel justified in taking any course diametrically opposed to that which had been decidedly adopted by the powers most interested, and the powers also best disposed to the support of the Turkish empire. Therefore, it did appear to her Majesty's Government that, in order to put an end, as speedily as possible, to those complications which might arise from this question being protracted, to act in concert with the Austrian government was that which was the most judicious policy for this country to pursue, and one which was likely to secure the peace of Europe. The noble Lord referred to opinions which he supposes to be entertained by her Majesty's ambassador at Constantinople. He did not know to what the noble Lord alluded. Undoubtedly Sir Stratford Canning always expressed the warmest interest in the support of the Turkish empire, and he has done his utmost to give all the advice which his situation enabled him to do, and he must say that if the Turkish Government had followed the wise and prudent advice which they received from Sir Stratford Canning they would not have been in the difficult position in which they are placed at this moment, and in which they have been recently placed; for although w ehave not recevied any intelligence from her Majesty's ambassador upon the result of this matter, I believe it is true, and there is no doubt of the fact, that the Turkish Government did acquiesce in the demands of Russia, and that a new election of the Prince of Servia will take place in consequence, but he had not the least apprehension of all those alarming incidents to which the noble Lord had referred as to any invasion, or any movement of that description. He thought there was no chance of anything of the kind, for the excesses committed by those who have recently been in power in that country were such, that there is not the least doubt that the change will be welcomed by the great body of the people themselves, and that no such circumstances as those to which the noble Lord refers are likely to take place. He did not feel that the noble Lord had at all made out any just ground for calling for the instructions given to her Majesty's ambassador, or for the other papers to which the noble Lord referred, and not having received any official and authentic account of that which has taken place, he felt it incumbent on him to object to the motion.

Lord *Beaumont*, in reply, observed, that he did not consider the present subject, and the case of Syria, as at all analogous. Russia separated from the other powers and interfered alone. According to our own treaties we were bound to interfere. He had great doubts about the submission of the Divan to these new proposals. He begged to repudiate all such communications as the noble Earl implied that he had received. He had his information from a German court and the Servian court, and from no other source. He had no wish to press his motion in opposition to her Majesty's Government and would withdraw it.

Motion withdrawn.

Their Lordships adjourned.

HOUSE OF COMMONS,

Friday, May 5, 1843.

Minutes.] **Bills** *Public.* 1°· Millbank Prison; Small Debts.

2°· Poor Relief (Ireland).

Committed.—Queen's Bench Offices; Admiralty Lands.

Private.—2°· Southampton Cemetery; Argyllshire Roads.

Reported.—Clarence Railway.

3°· and passed: Neath Harbour; Glasgow City and Suburban Gas; Milnes' Free School.

Petitions Presented. By the O'Connor Don, and Mr. Grogan, from a great number of places in Ireland, against transferring the Mail Coach Contract to Scotland. —By Messrs. F. Maule, Marsland, Gisborne, Ewart, Turner, G. W. Wood, and M. Gibson, Dr. Bowring, and Sir G. Strickland, from a great number of places, for the Total and Immediate Repeal of all Corn and Provision Laws.—By Mr. Ogle, from Northumberland, for the Repeal of the Income Tax.—By Mr. Beckett, from Leeds, against the Ecclesiastical Courts Bill.—By Mr. Stuart Wortley, from a number of places for Limiting the Hours of Labour in Factories.—By Mr. Christopher, Mr. S. Wortley, and Mr. Grimsditch, from twenty-six places, in favour of the Factories Bill.—By the Earl of March, Sir G. Grey, Lord Charles Fitzroy, Sir G. Strickland, and Sir G. Staunton, Dr. Bowring, and Messrs. Evans, James, Gisborne, H. Smith, C. Berkeley, Matheson, Scholefield, A. Chapman, Williams, Macaulay, Acland, O. Stanley, Beckett, Etwall, G. W. Wood, Pusey, F. Baring, Aldam, O. Duncombe, Watson, S. Wortley, C. Buller, Howard, Duncan, Christopher, Villiers, Cowper, Hume, Protheroe, and Thornely, from an enormous number of places, against the Factories Bill.—By Mr. F. Maule from Glasgow, against allowing Students of Medicine to act as Practitioners under the Poor-law Act.—By the Chancellor of the Exchequer, from several places, against the Union of the Sees of St. Asaph and Bangor.—By Mr. Trench, from a number of places, against the Irish Poor-law.—From Tashinny, against any further Grant to Maynooth College,—From the Yorkshire Literary and Scientific Institution, for Exemption from Taxation.—From Clerkenwell in favour of the Health of Towns Bill.—From a number of places against the Canada Corn Bill.—From the Irish College of Surgeons, and John Cowper, Vice Rector of Glasgow, for Medical Reform.—From Winchester, Hunslet, and Leeds, against the Turnpike Roads Bill.—From Birmingham and Stamford, against the Bankruptcy Act.—From Southwark, for Redemption of the Bridge Tolls.—From Liverpool for Equalizing the Duties on Coffee and Cocoa; and against portions of the American Treaty.—From Sunderland, for Altering the Law relative to the Payment of Merchant Seamen.—From Belfast, against the Municipal Corporation (Ireland) Bill; and from Londonderry, against one Clause of the Same.—From Buttevant, and Dunmanway, for encouraging the Schools of the Church Education Society (Ireland).—From Greenwich, against the Admiralty Lands Bill.—From Nottingham, for Reducing the Duties on East India Produce.—From Hunmanby, for facilitating the Recovery of Small Debts.

The Repeal Agitation (Ireland).] Mr. *W. S. O'Brien* begged to ask the hon. Member for Ipswich whether he intended to bring forward his motion on the subject of the repeal agitation, and whether he intended to move a call of the House on that occasion.

Mr. *Lane Fox* begged to say that when he gave the notice respecting the agitation in Ireland, and for a call of the House, his object was not to bring forward a question of such importance in the absence of the Irish Members. He was anxious to impress upon them his desire that they should be present. He was anxious to reply to the question of the hon. Gentleman opposite, because he saw that a question had been put to Mr. O'Connell in Ireland. A question had been put to the hon. and learned Member for Cork as to whether he intended to be present at the discussion, and his reply was that he would not attend without the call of the House being enforced. Now, he did not wish to proceed to that extremity, and, therefore, he should not proceed with his motion in the absence of the hon. and learned Member. He had not given notice of that motion from any want of confidence in her Majesty's Government, having the most perfect confidence in them. It was his intention to write to the hon. and learned Member for Cork, telling him that he should found another motion upon the subject of the agitation, and if he could induce the hon. and learned Member to meet him in that House, he should bring it forward.

Mr. *O'Brien* said, as the hon. Gentleman had withdrawn his motion, he should move the amendment of which he had given notice as a substantive motion on the 31st May.

Subject at an end.

MARRIAGE OF THE QUEEN OF SPAIN.] Mr. *Sheil* begged to ask the right hon. Baronet a question, which, he trusted, the right hon. Baronet would have the courtesy to answer, although he had not given any notice. He observed that very properly in the Spanish senate reference had been made to the supposed intention of the King of the French to interfere in a matter on which the Spanish nation and the Sovereign had, as it appeared to him, an exclusive right to decide. It was generally stated, that the King of the French insisted upon the Queen of Spain not marrying any person who was not of the house of Bourbon. The question he wished to put was, whether her Majesty's Government, through the British ambassador at Paris, or otherwise, had received any communication relative to the marriage of the Queen of Spain?

Sir *R. Peel* said, in reference to the question of the right hon. Gentleman, he had to state that no formal or official communication had passed between the government of France and that of this country respecting the marriage of the Queen of Spain; at the same time, he did not think it was necessary to conceal the opinion of her Majesty's Government upon a subject of so much importance. He knew no reason whatever why he should avoid stating publicly what that opinion was. They considered that Spain was entitled to every right and privilege which belonged to an independent state. They considered, that it was one of the rights and privileges of an independent country to determine for itself what alliances should be made with reference to the interests of the country by the Sovereign. It followed, therefore, as a matter of course, that they were of opinion, that the Spanish government, speaking through its regularly constituted authorities and the Sovereign, were the exclusive judges of what alliance should be formed by the Sovereign.

NEWGATE GAOL.] Mr. *Ewart* wished to ask the right hon. Baronet, the Secretary of the Home Department, as to whether any regulations had been made with respect to the management of the Gaol of Newgate. It appeared, that the gaol committee of Newgate had interdicted their chaplain from giving information to the prison inspectors. He had already called the attention of the right hon. Baronet to the conduct of the governor of Newgate, who, when a pardon had been received for a female under sentence of death, had not, until nineteen hours afterwards, communicated with her on the subject. The right hon. Baronet had stated that it was his intention to direct an inquiry into the subject. He now asked him whether any measures had been adopted which would enforce for the future a due obedience to the authority of the law, and prevent for the future such an interference with law, mercy, and justice?

Sir *J. Graham* said he had stated on a former evening the grounds upon which he entertained a confident expectation that the order referring to the chaplain or governor of the gaol of Newgate not volunteering information to the inspectors of prisons would be revised. He had been in communication with the Lord Mayor on the subject, and he had much pleasure in saying, not only that what he had anticipated had occurred, and that before he entered into that communication the Lord Mayor had, on behalf of the Court of Aldermen, made a notification which was entirely satisfactory. On the point with respect to the delay of nineteen hours by the governor of Newgate in communicating to a female prisoner under sentence of death the commutation of her sentence of capital punishment. The Lord Mayor had instituted an inquiry, evidence was taken, and that evidence had been transmitted to him only within the last twenty-four hours, and he had not yet had an opportunity of fully examining it.

Endowment of Ministers—Church Extension.] On the motion that the Speaker do leave the chair in order to the House resolving itself into committee to consider the endowment of ministers,

Mr. *Hume* asked whether it were the intention of the Government to ask for any public money, because in that case he should oppose the Speaker leaving the chair.

Sir *R. Peel* said, as there was no mention in the motion of a vote of public money, and as the hon. Gentleman must know that the Queen's consent to a grant of money must be signified, he might infer that it was not intended to propose any such vote; but if the hon. Gentleman wished for a more explicit declaration, he had no objection to state that the motion with which he should conclude, involved no vote of public money.

House in committee.

Sir *R. Peel*: Sir, I will now proceed, in conformity with the notice I have given to call the attention of the committee to the measures which her Majesty's Government are disposed to recommend to the consideration of Parliament for the purpose of supplying the deficiency which exists in the means of attending divine worship, and of receiving the benefits of pastoral instruction and superintendence, according to the doctrines of the church of England, in many of the populous districts of this country. I believe it will be wholly unnecessary for me to adduce any proof of the extent to which such deficiency exists, or of the evil which necessarily arises in consequence. The House will probably recollect that the deficiency has been stated to them in reports of unquestionable authority—that there are at the present moment, or, at least, there were at the period of these reports, which were made in the year 1836, not less than 3,600 parishes in which the income of the incumbent is less than 150*l.* a year—that in many districts of the country where there are parishes of not less than 10,000 persons, there were the most imperfect means of supplying religious instruction to the people, according to the rites of the Church of England—that in this metropolis, and particularly in the dioceses of Lichfield, Coventry, York, and Chester, the population has so far outrun the means of religious instruction that the word of God was never heard by many of the inhabitants of those places. It is stated in the reports to which I have referred, that the want of church accommodation is but an imperfect test of the evils that arise from the deficiency of pastoral instruction, because in places where church accommodation is tolerably extensive, there is no assigned district for the minister of the Church, and therefore that individual and personal responsibility does not rest on him for the performance of his duty, which he feels when he has a defined and circumscribed district for the exercise of his spiritual functions. In that report it is stated, amongst other facts, that—

> "In the diocese of Chester, there are thirty-eight parishes or districts in Lancashire, each with a population exceeding 10,000, containing an aggregate of 816,000 souls, with church room for 97,700, or about one-eighth; the proportions varying in the different parishes from one-sixth to one twenty-third."

It is stated that—

> "In the diocese of York there are twenty parishes or districts, each with a population exceeding 10,000, and with an aggregate of 402,000, while the church accommodation is for 48,000; the proportions varying from one-sixth to one-thirtieth. In the diocese of Lichfield and Coventry, there are sixteen parishes or districts, each having a population above 10,000, the aggregate being 235,000, with church room for about 29,000; the proportions varying from one-sixth to one-fourteenth."

The report further states, that—

> "The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence greatly outweigh all other inconveniences, resulting from any defects or anomalies in our ecclesiastical institutions; and it unfortunately happens, that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found."

In consequence of the measures sanctioned by this House, some little progress has been made towards remedying these evils; yet, making all allowance for these exertions, and for the exertions to supply religious knowledge which have been made by those who do not conform to the Established Church—giving them all credit for the motives by which they are influenced, and also for the good which they have effected, still it cannot be denied that at the present moment, there is a lamentable deficiency of church accommodation, and a still greater want of pastoral care and superintendence; and it is incumbent on the House, if a remedy can be devised within its power, to apply that remedy. I apprehend that on all these points there will be little or no difference of opinion. I think there are few in this House—none, certainly, whose religious principles are in conformity with those of the Established Church—who must not deeply lament that there should be, in this country, populous districts devoid of the advantages of religious instruction. How is this to be remedied? Shall the means be supplied by calling on Parliament for public aid for the purpose of building and endowing churches, or shall we in the first instance at least maturely consider whether or no the revenues of the church can be made applicable through the intervention of Parliament to provide a remedy for this deficiency? It is my duty to state, that her Majesty's Government having maturely considered the subject, have resolved to recommend to Parliament in the first instance to consider the means of supplying this deficiency, from an application of the ecclesiastical revenues. I cannot hold out expectations that that remedy will be effectual and complete, but I am sure no step can be taken hereafter to induce Parliament to supply the deficiency till the executive government, acting in union with the church, shall in the first instance consider whether the ecclesiastical revenues can be made applicable. If these revenues should be found inapplicable, and yet if the amount of good done by the partial application of the means at our disposal should completely and convincingly prove, as I have no doubt it will, the advantages, religious, moral, and social, to be derived from the increase of this pastoral care and superintendence, then I do entertain a confident anticipation that Parliament may be induced to grant further aid in order to extend these advantages; but the proposal I have now to make on the part of the Government is limited exclusively to measures whereby the whole aid to be given in populous districts towards supplying religious instruction will be derived from the revenues of the Church. Sir, the House will probably recollect, that in the year 1835, a commission was issued by the Crown for the purpose of considering the state of the Church in some important points. It fell to my lot, as the Minister at that time, to give the advice to the Crown upon which that commission was issued. The objects which I had in view were promoted, I must say, to the utmost of their power by the Government which succeeded that with which the commission originated; and looking back at what has been done under that commission, I never can repent—notwithstanding the opposition which that commission met with—the advice which I gave to the Crown in the latter end of 1834; nor can I draw any other conclusion from the reports of that commission, which the succeeding Government adopted, than that great practical benefit has resulted from them. The first practical object was to inquire into the state of the dioceses—to compare the extent of labour performed in some of the dioceses with what was performed in others, to examine into the revenue of the several episcopal sees, and to suggest improvements. When I recollect the disproportions which existed in the case of the diocese of Durham for example, it appeared that the Bishop had a revenue of 19,000*l.* a-year, whilst the Bishop of Llandaff was only in the receipt of 900*l.* a-year; when I look at the labour of some bishops, and the disproportionate exemption of others, I myself am convinced that no measure was better calculated to add to the efficiency of the bishops of this country than that which at least prevented those enormous disproportions in the point of income, and which also equalised in some degree the amount of the duties to be performed. The inquiries of that commission also extended to the state of the cathedral establishments of this country. The commissioners were directed to inquire whether or no any deduction could be made in the extent of these establishments, and in what manner any revenue greater than was necessary for the purpose of maintaining the fabrics and supporting with becoming dignity the cathedral institutions, could be applied for the purpose of increasing the means of divine worship in districts of the country where those means were most scanty. The commissioners recommended, and Parliament sanctioned the recommendation, that there should be in most of the cathedral establishments of this country a reduction in the number of canons and prebends. They recommended, that the estates of all the non-resident prebends—that is, of all prebends in connexion with cathedral establishments, and from whom residence is not required—should be added to a common fund, to be applied under the control of the ecclesiastical commission, to supply those deficiencies to which I have called the attention of the House. They recommended also, that all sinecure rectories should be suppressed, and that the revenues of these rectories should be carried to a common fund, to be placed under the control of the ecclesiastical commissioners; and where the deans and canons had separate estates, that was not only a corporate property, but separate estates of a personal nature attached to a particular canonry or deanery—that in that case also the whole of those separate estates should be carried to the fund to be placed at the disposal of the ecclesiastical commissioners. The consequence has been, that there has been placed at the disposal of those commissioners an annual revenue which now amounts to the sum of, I think, 25,000*l.*, that is to say, first, a sum derived from the separate estates of deans and canons falling in as the parties with life interests vacate the appointments; secondly, a sum derived from sinecure rectories falling in as the life interests cease, and now amounting to 2,000*l.*; then the sum derived from the estates of non-resident prebends; and lastly, the sum from suppressed canonries. The total amount from these sources at present is about 25,000*l.* The annual payments now made by the commissioners amount to about 18,000*l.* a-year. There is a sum of about 1,800*l.* a-year applied as a provision for archdeacons, and a sum of about 16,600*l.* a-year applied to the augmentation of small livings. In the case of 208 livings, of which the population of each exceeds 2,000, the income of the incumbent has been raised to 150*l.*, entailing on the fund a permanent annual charge of nearly 13,000*l.* a-year. In 49 parishes the population exceeds 1,000, the income has been raised to 120*l.* a-year, entailing a permanent charge of 2,043*l.* In certain cases of local claims, without reference to population, the income has been raised in 23 places, entailing a permanent charge of about 1,100*l.*; making the gross total of the present annual charge about 16,700*l.* The commissioners have, at the same time, published resolutions specifying the conditions upon which they are willing to extend assistance to this branch in proportion to the increase of their means. Looking at the number of small livings, and supposing the intentions of the commissioners to be entirely fulfilled in respect to the augmentation of those small livings, the total actual engagements of the commissioners would be about 32,000*l.* a-year. It is confidently expected, however, by the commissioners, that within a few years, there will be a considerable increase of the property at their disposal; and, assuming that it is proper, in the first instance, to consider the means of supplying the deficiency of religious instruction from the ecclesiastical revenues, the question which Parliament will have to entertain is, whether they will postpone the benefit until the period shall arrive when, by the increase of the revenue of the commissioners, they will have considerable means at their disposal beyond those necessary for meeting the engagements for the 32,000*l.*, which must be considered as a permanent engagement; or, whether, anticipating the period when there shall be a considerable increase by the falling in of canonries and estates of non-resident prebendaries, we shall take any step or propose any measure for the additional endowment of parishes until that period. It has appeared to her Majesty's Government, that the existing evil is so great, aud the pressure for religious instruction and pastors' care to them, and having, within a recent period, obtained evidence showing the importance of urging this subject upon the attention of Parliament, we have come to the conclusion that it is desirable to devise, if possible, some immediate means by which to anticipate the future revenue of the ecclesiastical commission, and to supply increased means of religious instruction in the most populous districts. Now, we purpose to do this by the agency of two public establishments; namely, the ecclesiastical commissioners, who expect to have, at no very remote period, a considerable revenue at their disposal; and the governors of Queen Anne's Bounty, who have at present a large amount of capital stock, which we think can be made available as an immediate supply. The House is probably aware of the constitution of the Bounty Board. It was appointed for the superintendence of the sums of money derived from the first fruits and tenths; and the funds at its disposal have very materially augmented by grants from Parliament for several years past, beginning with the year 1808. The object both of the ecclesiastical commission and the Bounty Board is to provide increased means of religious instruction, to endow new places of worship, and to increase the income of ministers where they are inadequately paid. In short, as far as their objects are concerned, there is little distinction between them. Now Parliament granted in 1808, and I think to the year 1820, each year, the sum of 100,000*l.* to be applied under the control and direction of the Board of Queen Anne's Bounty. That was to be applied to the augmentation of small livings. The stock, which is vested in the name of the Archbishop of Canterbury and the governors, amounts to nearly 1,200,000*l.*, which may be called the parliamentary stock. Although it stands in the name of the Archbishop of Canterbury snd the governors, the governors have power to apply that stock at their discretion to the purchases of houses and lands, and to endow livings in places where they are needed. I called for a return of the cases in which capital has been applied to the purchase of lands and houses, and the returns show that it has not been the right expedient to appropriate the money to any very great extent to the purchase of land; probably the expense of the conveyance of small purchases is a sufficient reason why the incumbent should rather derive the increase of his income from the annual interest payable upon the capital. The deductions under this head do not exceed 80,000*l.*, so that the stock vested in the name of the Archbishop of Canterbury and the governors of Queen Anne's Bounty amounts, at least, to 1,100,000*l.* We propose, then, that the governors of Queen Anne's Bounty shall be empowered to advance 600,000*l.* to the ecclesiastical commissioners, to be employed chiefly for the purpose of endowing new livings. Of course it will be necessary that the ecclesiastical commissioners should guarantee to the bounty board the annual interest upon that sum. We propose to apply the 600,000*l.* so borrowed from the bounty board in annual payments of 30,000*l.* for the purpose of new endowments, that is to say, of endowing livings from 150*l.* to 200*l.*, requiring as a condition, in cases where it can be possibly expected, that there should be a corresponding contribution from the people. The principle of the measure will be to appoint in populous districts of this country, clergymen whose income shall not exceed 300*l.* a year, though the average will be considerably less, and to every such clergyman a new district shall be assigned for the discharge of the duties for that district he shall be held responsible. This, then, will give a sum of 30,000*l.* to be applied annually for a certain number of years before the capital is exhausted in the endowment of new livings. If we take 600,000*l.* of stock, 30,000*l.* being annually advanced will exhaust the capital in about seventeen years; consequently, in the year 1860, the whole of the capital will be applied by the annual advance of 30,000*l.* in each year, towards the endowment of new livings in populous manufacturing districts. The ecclesiastical commissioners will have, at the end of that period, incurred these new obligations; first, they must secure to the bounty board 18,000*l.* a year, being the interest at 3 per cent. upon the capital advanced. But, next, the arrangement will be imperfect unless the commissioners will take upon themselves the permanent obligation of continuing the payment of 30,000*l.* for the same end, unless we can depend not only upon all the interest being paid, but also upon the advance made for the next seventeen years, being afterwards continued out of the means at the disposal of the commissioners, when the capital shall have been exhausted by the annual application of the 30,000*l.* Upon examining the prospects of the commissioners, I have no doubt, whatever, that there will be means at their disposal, in the year 1860, which will enable them to fulfil this new obligation. Of course it will be necessary to make immediate arrangements, and prepare the way for meeting the case. I do not know whether I make myself understood, but what I mean is, that in 1860 the capital will be exhausted; the ecclesiastical commissioners will have contracted a new obligation, and have to provide 18,000*l.* a year as annual interest, and 30,000*l.* in order to create a perpetual income for new livings, being a total of 48,000*l.* I must add to that the 32,000*l.*, for the advance of which the commissioners are already pledged. Therefore, the total charge for which the commissioners must provide in 1860 will be 80,000*l.* There will be three sums, then, at the end of the year 1860 to be provided for—first, 18,000*l.* for interest; secondly, 30,000*l.* for carrying on the endowments; and thirdly, 32,000*l.* more, if the published intentions of the commissioners be fulfilled. I will now attempt to show to the committee that the revenue of the commissioners is expected to be sufficient to provide that sum in 1860. I have already stated to the House, that the means of the commissioners are derived solely from estates of deans and canons, sinecure rectories, and non-residential prebends, not less than 360 in number. I propose no alteration in the present law with regard to this subject; but I wish to shew the House how the funds will be provided which the commissioners must hereafter have to meet the demands which will arise. I have to provide, then, for the sum of 80,000*l.* I calculate, in the first place, that by the year 1860—and the calculation is founded upon the opinion of those who are versed in matters of this nature, the revenue derived from suspended canonries will amount to 42,000*l.*, taking the value of the lives, and judging from the number already fallen in. The chief fund will be derived from the estates of non-resident prebends, and the value of those estates will considerably exceed the estimate put upon them in the report of the commissioners in the year 1837. Of course we can form some estimate of the probable increase of the value of this source of revenue from the number of estates which have fallen in since the act passed to appropriate them. Within a period of seven years one-third of the estates of the non-resident prebends have fallen into the possession of the commissioners. According to the valuation of Mr. Morgan, the present value of those estates, not the present income, but the interest of the commissioners in the estates, is 900,000*l.*, which represents a perpetual annuity of 30,000*l.* It is clear, therefore, that at the expiration of seventeen years—namely, in 1860, they will be in possession of 42,000*l.* a-year from the suspended canonries, and if we take the value of the prebendal estates now in possession at 30,000*l.*, the commissioners will then have 72,000*l.* a-year in order to meet the charge of 80,000*l.* But, of course, if one-third of the number of the non-residential prebends' estates have fallen in within the last seven years, it is fair to expect that in the next seventeen years one-half at least, will have fallen in. But those which have fallen in are one-third in number, not in value. Suppose, then, in the next seventeen years, that we have only an addition of an equal amount of value, there will be another 30,000*l.*, which will make a total of 102,000*l.*, besides 2,000*l.* arising from suppressed rectories, making the whole sum 104,000*l.* Therefore, the ecclesiastical commissioners will have ample means in 1860 to meet the demands then made on them. It is impossible to estimate exactly what will be the income in 1860, but I think I have now shown that the ecclesiastical commissioners will have ample means to meet the demands then made upon them, and indeed larger demands, if a larger sum could be advanced. It is possible, however, that the bounty board may be unwilling to advance a larger sum; but I wish instead of applying 30,000*l.* a-year, they were able to apply 40,000*l.* a-year to the endowment of additional ministers, but as this depends on the bounty board, and they must have ample security of course, I am compelled to limit myself to the proposal of 30,000*l.* per annum. That, Sir, is the outline of the proposal which, on the part of her Majesty's Government, I submit to the consideration of the committee. But the committee must not conclude that the benefit to be derived from a calculation of this nature will be limited to the nominal amount. I propose not to apply the money to the building of churches, but for the endowment of ministers, strictly confining it to those populous districts in which the want of religious instruction is most felt. I propose that the money shall be so applied as to excite local activity; for all experience shows that if you advance a certain sum as the condition of individual exertion, the sum raised by that exertion will far exceed the amount advanced. Some striking instances of this are contained in the reports of various societies which have acted upon this principle. In the last report of the Diocesan Society, constituted for the purpose of building churches, and of endowing ministers of churches built or enlarged with the aid of the society, and for promoting the increase of church accommodation, it appears that in the diocese of Ripon, in the course of last year, the society advanced the sum of 5,870*l.*, which was increased to 30,000*l.* by local subscriptions. By these means 10,304 additional sittings have been provided in churches and chapels, of which 5,791 are free. I cannot help here saying that I think the appointment of the bishop, and the constitution of that new diocese, has been accompanied with great advantage to that district. I think that his unremitting activity, zeal, and piety have produced the most beneficial effects on the diocese in which he lives, and I cannot help attributing the success of the measure, in a great degree, to the personal exertions of the bishop. The same thing also occurred in the diocese of Chester, and here also it would not be just, were I not to express, in strong terms, my admiration of the conduct of the Bishop of Chester, who has effected so much improvement in that diocese which has the good fortune to be under his charge, and to witness his example. It is impossible for any man to read the charge of the Bishop of Chester, and the documents which accompanied it, without entertaining sentiments of the deepest respect for that venerable prelate. In the diocese of Chester, in the year 1841, the sum of 53,300*l.* was applied to the building of churches, and 11,000*l.* to endowments — making a total of 64,300*l.* Of this amount 18,350*l.* were derived from public sources; and to the credit of that diocese let it be said, that 46,500*l.* were provided by individual subscriptions. This shows that the tendency of advancing small sums is to produce a supply from individual exertion far exceeding them. But there is a still more remarkable instance in the case of the incorporated society. I believe that society derives no aid whatever except from private contributions, that it has no public fund at its disposal, but it makes a rule not to make any advances, unless these be also private contributions. The incorporated society has expended from its funds 196,000*l.*, which has occasioned the outlay of at least 900,000*l.*; and by these means additional church accommodation has been provided for 307,000 persons, including 222,000 free sittings. What beneficial effects then may not be expected if the ecclesiastical commissioners, under the sanction of Parliament, shall be enabled to supply the sum of 30,000*l.* annually, under such conditions and with such an understanding as that to which I have alluded—to the endowment of ministers receiving a moderate stipend in populous districts where no minister now exists? My belief is, that it will lead to considerable efforts on the part of the residents in those districts to meet and exceed the advances made for the purpose of securing religious instruction where it is most needed, and that you can adopt no method so effectual to encourage the building of churches as to provide the endowments. Read this report, and you will constantly find it occurring that the appointment of a curate to a populous district, with a salary of from 80*l.* to 100*l.* a-year, has encouraged the wealthy inhabitants of that district to come forward and assist in the praiseworthy object of building a church for that curate's use. You will find that many persons are willing to advance sums of money by way of a donation towards the building of churches, whose circumstances prevent them from guaranteeing an annual sum towards their endowment. It is clear, indeed, that where property is settled its holder may have ample means of advancing a sum by way of donation, but may be unable to guarantee the application of an annual amount for the support of the pastor. Many persons, too, are more inclined to give a sum at once for the furtherance of a pious object, than to fetter themselves by any engagement to secure an annual income to a clergyman who is to carry out that object. Sir, I trust that when a clergyman is appointed under this arrangement it will always occur, or, at least that it will be the general rule, to assign to such clergyman a particular district. Instead of making him subsidiary to the incumbent of a parish, I trust that it will be arranged that a district shall be assigned to him, so that his exertions will be accompanied with full responsibility, and that he may have an opportunity of deriving all the advantages resulting from personal intimacy with his parishioners. [An hon. *Member:* Who are to appoint the curates?] I was about to observe, that without disturbing the present arrangement, there are ample means provided for their appointment. Supposing the advowson to be in the Crown the patronage would go to ecclesiastical commissioners. In a new district and in a new endowment it would rest in the bishop. Supposing it to be in an individual, I hope the commissioners will bear in mind the advantage which he will derive from the increase of the endowment, and will refuse to endow unless their liberality be met by corresponding liberality on his part. If you sever the district you do not diminish the profit of the existing incumbent, and therefore the private patron has no right to claim the patronage. Besides which you diminish the duties of the existing incumbent, though in some instances that is but a matter of justice, where his income is not equal to his labours. I hope there will be no opposition to this, for it is not a mere question of patronage, it involves a great moral and religious obligation. Undoubtedly their right as patrons is a right in the nature of a property, yet that this is a property partaking of the nature of a sacred trust, and accompanied with an obligation to provide for the spiritual welfare of the parish: and in justice to patrons I must say, judging from the past looking to what patrons have already done, I certainly do expect their cordial co-operation with the commissioners for the future. It is, let them remember, for their own advantage, and for the advantage of their parishioners, that co-operation in providing spiritual instruction should be given, and I earnestly hope and believe they will cordially afford it. Now, Sir, I go to another point. I would not at all advise that the appointment of ministers should be limited in every case to districts in which churches are opened for their reception. I think the utmost advantage would in some cases result from the appointment of a minister to a district in which there is no church. Great evils arise, not more from the want of church accommodation, than from the want of pastoral care, and really I do not know if it would not be best in many cases to appoint ministers, in the first instance, to districts where no church is erected. By all means let us, where there are funds, prepare a building for the purposes of religious worship; but where the funds are not ready, let us hire a building, and, I am sure, the appointment of a minister of exemplary piety and of great utility will soon cause the erection of a church to follow. Do not let us refuse to plant a minister in a district because it contains no church. Sir, as I said before, we do not propose to devote any part of this sum to the construction of churches—we desire to apply it all to the purposes of endowment. I am sure it is quite unnecessary for me to attempt to impress on the committee the importance of having a minister to attend to the spiritual wants of the population of our densely crowded districts. In some of these districts that population has far outgrown the parochial superintendence at present provided—thousands and tens of thousands of the people never come in personal contact with a minister, and it cannot be necessary that I should dilate on the advantage, in a religious point of view, of planting among those who know no other relations of society than the relations of the employer and the employed, active and pious ministers who will visit the poor in their houses, and will carry the benefits and consolations of religion to the home of every family. Sir, I believe that I have now sufficiently explained the nature of the measure, and that it will be unnecessary for me to enter into further details. I have shown that by the joint agency of the two boards—the Bounty board and the Ecclesiastical commissioners—we anticipate the possession of a revenue which will give us the means of applying 30,000*l.* per annum to the endowment of pastors. I hope that the House will give the measure their unanimous sanction. It calls on them for no grant of public money. I wish I could get such a grant with the unanimous concurrence of the House and of the country; but knowing my inability to obtain that unanimous concurrence, I must say that I think a sum appropriated from the revenues of the Church, as an encouragement to voluntary contributions, and a large sum also derived from individual contributions, will prove of greater service than a sum reluctantly voted by the House, and reluctantly paid by a portion of the people. I think, too, that those who may object to this arrangement on the ground that they prefer a State grant, should bear in mind that the present patrimony of the Church was not all derived from the State, but proceeded in a great part from grants to the Church by pious individuals; and I hope that, in like manner, those who have derived their property from the labour of a population to whom the advantages of religious instructions had been denied, will by their voluntary exertions and individual subscriptions, promote the means of the Church, as they have already done in some degree, to extend the sphere of its present utility. Sir, with regard to those voluntary exertions I am enabled to say, and I state it with great satisfaction, that the exertions of late years contrast most favourably with the exertions not only of former times, but of some few years back. I hold in my hand a return, giving an account of the number of churches actually consecrated in the different dioceses of England and Wales since the year 1840. The return is imperfect, inasmuch as there are no accounts from the dioceses of Bangor, St. David's, Ely, Exeter, and Llandaff. From the diocese of Ripon no return was received when the account was made out, but I have since received the return from that diocese. Now, I will not trouble the House with reading all the figures, but will just give them an account of the gross number of churches consecrated in the first eight years of the present century contrasted with the eight years ending with 1842. This is the result,—

	Churches consecrated.		Churches consecrated.
1801	2	1835	26
1802	1	1836	41
1803	2	1837	60
1804	3	1838	76
1805	3	1839	69
1806	2	1840	81
1807	5	1841	98
1808	2	1842	74
Total	20	Total	525

I only point to this table to show the gratifying fact that the religious evil, and also the religious obligation is more felt than it was wont to be by those who are in the possession of property, and I can have no doubt that, if Parliament will place at the disposal of the ecclesiastical commissioners a sum of 30,000*l.* per annum, to be appropriated to the endowment of pastors, the consequence will be the great encouragement, not only of the endowments of ministers, but of the building of churches. I have now completed my task, and have, I hope, sufficiently explained our plan to the House. We ask, as I said before, for no grant from the public purse, but we propose a measure of the success of which we entertain a confident hope, but the non-success of which, as it would necessitate an appeal to Parliament, would certainly afford the greatest encouragement to the House to vote the grant that it would then be expedient to demand. I anticipate no opposition to the measure. I trust to the revenues of the Church, and to individual sense of duty and liberality to supply the religious wants of the people ; and when I consider the state of the manufacturing districts—that there are thousands and tens of thousands in those districts who, whatever may be their disposition, have not the means of worshiping God according to the religion of the State and the religion of their fathers—I feel that it is impossible too highly to estimate the religious and social advantages we may derive from carrying religion to their own doors. It is, indeed, impossible to look at what has lately passed in those districts, and not to come to the conclusion, that, apart from all religious considerations, the State has the deepest interest in inculcating a sense of religious duty as the means of preserving social order. But I feel I am troubling the House unnecessarily. I hope the measure will meet with very general, if it does not meet with quite universal approbation. Some Members there may be—as for instance, my hon. Friend the Member for Oxford University—who may wish that I had gone further. No man more highly estimates the motives of the hon. Gentleman than I, but I must impress upon him that it will be no slight point gained, if, this measure being carried with the universal concurrence of the House, it become, as I trust it will become, the means of endowing ministers in populous districts, and still more, the source of further and larger supplies to be derived from the contributions of pious individuals who may feel deeply that they cannot make a better offering to Almighty God, in return for the prosperity with which they are blest, than in rescuing those by whose labour they have attained their wealth from their present indifference to His religion, and their want of ability to attend His ordinances. I move, Sir, in conclusion, that the Chairman be directed to move for leave to being in a bill to make better provision for the spiritual care of populous parishes.

Sir *R. H. Inglis* felt confident, that knowing, as they must, the part he had taken upon this question on former occasions, the committee would not consider that he was improperly intruding himself on their attention if he addressed to them a few observations on the speech they had just heard. His right hon. Friend had done him the honour to refer to the opinion which he might personally form upon the subject of this bill. Certainly he would not say, that he felt any disappointment about it, because when he came down to the House that evening, he was not uninformed of the nature of the proposition about to be made; but whilst in this qualified sense he certainly was not disappointed, he could not conceal, that he felt great pain at the character of the proposition now submitted for their approval. Not that he did not see, that practically the working of the measure might be productive of great good; but what he chiefly felt was, that the conclusion at which his right hon. Friend had now arrived, was not the conclusion to which he had come three years ago, when the House then divided upon the subject, was not the conclusion to which, as he understood it, his right hon. Friend had come last year, when he (Sir R. H. Inglis) relinquished to him the prosecution of the subject at that time, they had come to last year, and was not that conclusion to which (at least as far as he knew their opinions) the great body of those who were interested in this subject were prepared to arrive at present. At the same time, feeling that any complaint which he might make would tend to embarrass the right hon. Baronet, would serve the purposes of those from whom he dissented still more strongly, and understanding that the present measure was not to be final, he would not oppose the present motion; though he should still continue to hope, that an application for a direct grant would be made to Parliament. In addition to this amount of his concurrence in the measure, so far as it went, he would only add two observations. The first was, that the right hon. Baronet had all the power in his own hands. He must not deceive himself on the point. He held power not only in the House but in the country; and the public would not fail to support him in any proposition he might bring forward founded on ample documents, and supported by such arguments as those he had used that evening. His right hon. Friend's last argument was, that the welfare of the country was dependent on its religious principle; if so, let him ask how far the state was performing its duty when, by such a bill as this, they confined themselves to enabling one part of the ecclesiastical system to assist another, and refrained from calling on the state to contribute one fraction to the Church's extension? His other observation was this:—at present, certainly, there were no symptoms from which the House might be led to expect much opposition to this bill from great parties, whatever there might be from individuals. The measure was, in fact, so perfectly harmless, that no one could find fault with it on the ground of its doing too much. But, if the right hon. Baronet expected by this measure, or any other, to pacify the Dissenters, why then he (Sir R. H. Inglis) would tell the right hon. Baronet, that the experience of the last three weeks, and especially of the last six days, ought to carry conviction to him, that no measure whcih he could possibly bring forward would succeed in effecting such an object, and that, even in a worldly point of view, it would be more statesmanlike policy to bring forward a measure founded on the solid basis of supporting a Church—established not only by the law of the land, but in the hearts and affections of the people. His right hon. Friend could only hope to succeed by identifying himself with the Church of England. It would be in vain to expect, that the Dissenting body would ever forego the maxim, *delenda est Carthago.* If, instead of endeavouring to satisfy the Dissenters, his right hon. Friend resolutely laboured to carry out the principles of the Church of England, he would find himself supported by the general voice of the people of England. If he would only determine to carry out the parochial system throughout the land the most extensive and salutary results might be expected to ensue; but he could never hope to produce important or lasting benefit by endeavouring to eke out the establishment in one part of the country, and curtailing its resources in another. He felt strongly persuaded, that his right hon. Friend committed a great mistake in proposing so circumscribed a measure. He would have found a comprehensive proposition quite as easy to carry as a limited one. There was one matter, however, respecting which there could be no difference of opinion, and that was the degree in which obedience to the laws was manifested and public order maintained in districts under the influence of the Church as compared with those for which religious instruction was not provided. The best possible evidence of this was to be found in the history of the recent disturbances in the midland and northern counties. It was well known, that the largest amount of obedience to the laws, and the most effectual maintenance of order, prevailed where the Church of England enjoyed the greatest degree of authority. While he admitted, that the measure of the right hon. Baronet would do some good, he must be allowed to say, that it would not meet the exigencies of the case, nor fulfil the expectations of the people.

Viscount *Dungannon* thought the proposition made by the right hon. Gentleman was a highly creditable one, and worthy of a great enlightened Minister. He (Lord Dungannon) agreed however, with his hon. Friend the Member for the University of Oxford that if a direct Parliamentary grant were proposed, it would meet with support—that the feeling of the country was in favour of the Church, and that the influence of the clergymen was conducive to the best interests of the people. The right hon. Baronet was right in thinking that the first thing to be considered was to secure support for the minister, and the proposal before the House was framed with a view to remedying the evil arising from excessively inadequate incomes. He (Lord Dungannon) having been lately to take the deposition of a dying person in a very populous district, was astonished and horror-struck at hearing that the word of God was scarcely known in the immense mass of population around. In this very district a new church had been built within a few years, but there were no funds for the maintenance of a minister, and the Church was vacant. He was sorry that the subject seemed to excite so little interest among hon. Members opposite, and that no leading person amongst them came forward to express his acquiescence in the proposal. The measure would do lasting benefit, and he hoped would lead from one good to another and that the day was not far distant when the right hon. Gentleman would ask for a Parliamentary grant of money in furtherance of the most important of all possible objects.

Captain *Bernal* observed, that at the present moment there was in the Church of England a very serious schism, and though we might not perhaps be aware of the fact, yet it formed a pretty close parallel to the existing state of the Church of Scotland, and when the right hon. Baronet told them that he intended to add to the number of clergymen giving instruction according to the doctrines of the Church of England, he should have informed them what the doctrines of the Church of England were. The public had frequently been told that some doctrines taught by some pastors of the Church of England were not only against the consciencies of some members of that Church, but opposed to the principles of the Reformation. It might be no easy question, then, to determine what were the doctrines of the Church of England. Were they to be found in tract No 90, or were they to be found in the thirty-nine articles as expounded by the Regius Professor at the University of Oxford? He hoped, therefore, that the right hon. Baronet would give some explanation of the doctrines which were to be taught by these additional clergymen.

Mr. *Colquhoun* was understood to say, that the hon. and gallant Member must be aware that the right hon. Baronet at the head of the Government was not the proper person to answer the question which he had asked. He was aware that the indiscretion and violence of the parties to whom the hon. and gallant Member had alluded had alienated some of the best friends of the Church. An instance of this had come under his observation. A Church had been erected in a large manufacturing town, in order to meet a case of great moral destitution, and the proceeding was sanctioned by the strongest sympathies of the people. The clergyman who was appointed to the Church professed the doctrines which had been adverted to, and he seemed to suppose that the simple reading of the services of the Church of England would be sufficient to attract an alienated and ignorant population to his Church. The result was as might have been predicted: those who attended at first from motives of curiosity were disgusted by the fierce tone of denunciation which the clergyman assumed, and the Church was now almost entirely deserted. He was happy to express his belief that the new doctrines, which were so injurious to the Church, would not prevail to any great extent in the country. Clergymen of the Church of England were beginning to see that in the discharge of their sacred duty it was not incumbent on them to press unduly doctrines and discipline on people who were utterly ignorant of even the first elements of moral truth, but rather to point out to them the necessity of reclaimed conduct and improved life. That was a service which it ought to be the highest honour of the Church of England to perform, and which the Legislature had a right to expect from it. The plan announced by the right hon. Baronet would operate most beneficially in many instances with which he himself was acquainted. He would mention one. Under the countenance of the Bishop of London, and of a distinguished merchant, a fund, amounting to no less than 66,000*l.* had been raised for erecting churches in Bethnal-green. Several churches had been built, but, owing to the scanty means of the population, the sum derived from pew-rents, the chief fund for the maintenance of the clergyman, did not exceed forty or fifty pounds per annum. How could it be expected that an educated man, who would be required to contribute to the charities of the district, would undertake anxious and arduous duties, amongst an ignorant population, for such a wretched pittance as that? In such cases the right hon. Baronet's plan would operate most beneficially. It was, after all, only a step, but a step in a right direction.

Lord *John Russell* could assure the noble Lord, the Member for Durham, that he was not at all reluctant to give his opinion of the plan propounded by the right hon. Baronet, at the head of the Government; but he had thought it right that his hon. Friend, the Member for the University of Oxford, who seemed disposed to address the House on the subject, should have an opportunity of expressing his opinion immediately after the right hon. Baronet. As regarded the scheme itself, he was not disposed to bestow any extraordinary approbation upon it. It did not appear to be of vast extent or high principle, or to be likely to produce any extraordinary results. At the same time, he must confess, it appeared to be a step in the right direction, and it certainly would tend to the removal of a very great evil. By the scheme, as he understood it, the right hon. Baronet took the capital already belonging to the Church, and, by his mode of dealing with it, forestalled, to a certain degree, the amount of income which many years hence would accrue to the Church, by vacancies in dignities and sinecures, and which, by an act of the Legislature, was directed to be applied to the increase of the means of spiritual instruction. Before going further, he wished to say a few words as to the manner in which the church commissioners dealt, as far as he knew; but he confessed his information on the point was not very exact—with the funds already in their hands, which, he understood, amounted to 25,000*l.* a-year. It appeared to him, when he was a church commissioner, that the statements contained in one of the early reports of the commission—the first or second—respecting the metropolis and the dioceses of York and Chester, pointed to those populous districts as the parts of the country to which the attention of the commissioners should be principally directed, with the view of supplying spiritual instruction. He understood, however, that the church commissioners, in dealing with the funds in their hands, had proceeded upon this principle, without reference to the peculiar wants of those districts in which a large population had grown up during the last fifty years—they add to the income of clergymen who have to attend to the instruction of 2,000 inhabitants; next to those who have to superintend 1,000; and then to those who had to watch over 500. That did not appear to be the best mode of proceeding. No doubt it was fitting, that every clergyman's income should be raised to 150*l.* per annum; but it appeared to him that the spiritual destitution which prevailed in the populous districts was the first point to which the attention of the church commission should be directed. The right hon. Baronet had stated that it was more desirable to supply additional clergymen in the populous districts, than to build new churches. With that proposition he entirely concurred, and he and his colleagues, when in office, introduced a bill by which it was provided, that the whole of the funds which should accrue to the church commissioners, and which it was estimated would eventually amount to 130,000*l.* a-year, should be appropriated to the object. In adverting to the livings in the gift of the Crown, of bishops, and dean, and chapters, the right hon. Baronet said there could be no difficulty in augmenting their annual value; but, he observed, that with respect to those which were in the gift of private patrons, it would be impossible to increase the stipends of the clergymen, without adding to the value of the advowsons. That was perfectly true, but at the same time the State was bound to consider the people who ought to receive spiritual instruction from the incumbents of such livings. Take the case of a parish containing 20,000 or 30,000 inhabitants, where the living is in the gift of a private patron, it appeared reasonable enough to say to the patron, "We will not increase the income of the clergyman, unless you contribute something towards it;" but as regarded the

20,000 people, the reply would be insufficient. For his own part, he could see no good reason why the Government should not be empowered, by act of Parliament to purchase livings from private patrons, and transfer them to the Crown. It occurred to him, that there was a means by which some money might be obtained for the object which they had in view. There were about 600 livings in the gift of the Lord Chancellor. Now, there were many reasons for patronage being vested in the Crown; but he knew of none for it being in the gift of the Lord Chancellor, and he would, therefore, suggest that some of the livings over which that functionary exercised control should be sold, and the proceeds placed at the disposal of the church commissioners. He certainly thought that means ought to be devised for surmounting the difficulty which the right hon. Baronet had pointed out with respect to livings in the gift of private patrons. With respect to the scheme of the right hon. Baronet generally, inasmuch as it would add to the means of the Church, he was very well content to support it. A bill promoted by the Bishop of London was sent down from the other House two or three years ago, the object of which was to obtain the means of giving about 200*l.* a-year to clergymen officiating in churches built by subscription in the metropolis. The bill proposed, that the funds necessary for endowing the churches should be obtained by a new arrangement, to be effected with regard to property of the Church, which was at present leased to the corporation of London. Objection was taken to the terms of the bargain with the corporation of London, rather than to the principle of the measure, and on that account it did not succeed. If a similar measure, or one of a more general character, could be adopted, it would be productive of great advantage. His hon. Friend, the Member for Oxford University, had objected to the scheme of the right hon. Baronet, that it did not call for any grant from the public funds; but that which was an objection to the plan in the eyes of his hon. Friend, constituted a merit in his (Lord J. Russell's). When his hon. Friend, some time ago, proposed that a grant should be made by the House of Commons for Church extension, he (Lord J. Russell) stated his reasons for opposing that proposition. He believed, that any grant of that kind, at the present time, would only increase the feeling of animosity, which, in some quarters, prevailed against the Church. The right hon. Baronet, in the course of his statement, had shown how strong was the disposition of the public to subscribe largely the means of supplying spiritual instruction. We knew what a large amount of property the Church obtained in very ancient times from the beneficence of private individuals. The temper of the present time was different; not so much was done now by private persons in their individual characters, as conjointly by common subscription. The very large sum which had recently been raised by subscription for the building of new churches, proved the willingness of the public to contribute to such an object. His hon. Friend, the Member for Middlesex, though belonging to a party which had been taunted with not being friends of the Church, had subscribed no less a sum than 3,000*l.* to that fund. Subscriptions of that nature were better calculated to promote the interests of the Church than any Parliamentary grant, accompanied, as it would be, by angry discussions in that House. In conclusion, he must say, that he concurred most readily in the plan of the right hon. Baronet. It would not do all that was required, and he could not suggest any plan that would do all that was required; but he had ventured to make some suggestions which, if adopted, would, he thought, add to the efficiency of the measure.

Mr. *Hume* had no doubt but that a pious clergymen being planted in any district would do good, but he very much doubted whether the mere providing of funds would effect the desired object. The right hon. Baronet in making his statement, had said that there were some districts in England in which the word of God had never been heard. What a shame that was to those who for so long a time had been receiving wages for enlightening the people! Compare the sums which were spent on religion in England with all that was given for its use throughout all the rest of Europe, and it would be found to be nearly double, yet there was no other country with so vilely ignorant a population as we had. The neglect shown by the Church heretofore induced him to doubt whether the mere granting of money would produce those pious men who were so much wanted. [" Oh."] He would ask those who cried "Oh," to look at the wealth enjoyed by the Church, and then say whether anything could be more disgraceful than the state of ignorance in which the people of England had been left? Even if churches were built and pious clergymen were placed in every street in London or every other large town, they would be useless while the people were in their present condition. As the Bishop of Norwich well said at a public meeting :—

> "Men in such a state of poverty as to be unable to provide food for themselves and their families—who had not the means of obtaining a comfortable habitation—who were covered with rags in place of clothing—that men in such a state of abject poverty and consequent discontent were prepared to receive religious instruction, was a fallacy—the condition of the people must be bettered, and their minds prepared by sound moral education."

It was necessary for the right hon. Baronet and the House to look to whom and into whose hands they were about to place these increased funds. It was a question whether it would be used for the purpose of spreading the doctrines of the Reformation. On the contrary, there was too much ground to believe that it would be used for teaching the doctrines and ceremonies of popery. There was a party in the Church, and which was increasing daily, which ought to be put down, or the reformed Church of England would be overthrown. He was glad to hear the right hon. Baronet express his regret at the divisions which were springing up, and he trusted, he would take such steps as would effectually put down the schism. In the country it was extending fast, and he was exceedingly sorry to see that its pernicious doctrines or mummeries had found their way even into bills on the Table of the House. In the Factories Bill, brought in and supported by the right hon. Baronet the Secretary for the Home Department, there were clauses to prevent the children from being taught on what were called feasts and fast days; that was a relict of ancient Popery. There were now as it were only two classes in the country, Churchmen on the one hand, and Dissenters generally on the other, and they were, he believed, as nearly equal as possible. [" No, no."] It was all very well for them to laugh, but that proved no fact; he believed that, including the Roman Catholics, the Dissenting body was as large as the congregation of the Church. At all events he was quite certain that more persons constantly attended Dissenting meeting-houses than were ever to be seen in Church. The right hon. Baronet ought, before pressing his plan into operation, to see that his estimates were well grounded. How did he provide against any contingencies? For instance, might not the revenues of the Church be diminished before long? He fully believed that unless some change were made in the policy of the country many years would not pass before the revenues of every person depending upon the rents of land would be diminished; therefore, the right hon. Baronet ought to look well to his estimates, and see that he provided against any contingency of the kind he had pointed out before 1860. The right hon. Baronet ought not to provide clergymen until he had prepared the minds of the people to receive their instructions; he ought in the first place to promote the spread of a national education. Just suppose that all the additional clergymen had been appointed, would the cause of education be promoted? Why, the right hon. Baronet had shown him a return which proved that, since 1801, 1,029 new churches had been built and endowed; yet what was the state of the people of England? They might during the next five years multiply their churches by 1,000, and their clergymen by double that number, yet, unless they first of all promoted a good sound secular education amongst the people, they would not increase religion; the people would remain in a state of ignorance that was disgraceful to England. He considered that it would be far better for the Government to use their increased funds for the extinction of Church-rates, and so put an end to those constant bickerings to which they gave rise; such a course would greatly tend to promote peace. Again, there were many churches in the City of London which were richly endowed, but from a change of circumstances had become deserted and wholly useless. Why should not they now be removed, and the property belonging to them applied to the extension of religion in populous districts where it might be usefully employed?

Mr. *Pakington* agreed with the noble Lord, the Member for London, that the plan of the right hon. Baronet was, at all events, a step, and a most important step, in the right direction. He (Mr. Pakington) also agreed with the right hon. Baronet the Member for Oxford, that the plan now proposed was altogether insufficient to meet the existing evils. If, however, it was hereafter found necessary to demand the assistance of Parliament, in order to remedy the deficiencies of religious instruction so generally complained of, he felt assured that assistance would not be withheld. But before any application was made for Parliamentary assistance, it was absolutely necessary that the means of the Church herself should be exhausted, and when those means were exhausted he could not believe that the House of Commons would refuse to sanction any reasonable proposal which her Majesty's Government might feel it incumbent on them to submit to Parliament. They had seen how much money had of late years been raised for the building of churches; but the great difficulty had always been to provide for the endowment of the clergymen. Such had been the case in his own county. In this part, therefore, of the right hon. Baronet's plan he fully concurred, and as far as it went, he felt convinced it would afford general satisfaction.

Mr. *Gisborne* said it was impossible that any one could be more opposed than he should have been to a grant of public money, and for that very reason he felt the more inclined to thank the right hon. Gentlemen for the moderation of the plan which he had that evening developed. The hon. Member for Montrose (Mr. Hume) had indeed spoken of Queen Anne's bounty as public money, inasmuch as the fund was one that had been formed by parliamentary grants, but surely the hon. Member had no expectation of ever getting any portion of those grants back again. He (Mr. Gisborne) certainly felt some doubts whether it would not have been a better plan to dispose of some of the livings in the gift of Government, rather than to borrow money. The ecclesiastical commissioners, he believed, made it a practice to exclude from all participation in the funds under their control all cases of private patronage. [" No, no."] They certainly did so in his parish. The parish was Chapel-en-le-Frith, in Derbyshire, with 4,000 inhabitants, and every rate-payer in the parish had a vote in the election of the clergyman, and on this ground the ecclesiastical commissioners had always refused, when urged, to raise the income of the clergyman to 150*l.* a year. It was impossible her Majesty's Government could have avoided the question of Church extension, and that question they had now brought forward in a manner to which he believed neither Churchmen nor Dissenters could object.

Mr. *Plumptre* said, he had no reason whatever to disapprove of the proposal now made by the right hon. Baronet towards the affording of endowments for ministers in populous districts, and he begged to add, that he had been very highly gratified by the tone and language employed by the right hon. Gentleman in bringing this proposal before the House. It was most pleasing to him to hear the Prime Minister of this great country speaking of the application of religion as the main remedy for the many social evils that are to be found amongst us. Everything was to be hoped for if this great remedy could, under God's blessing, be brought to bear upon the population of the land. The hon. and gallant Member for Wycombe had referred, in the discussion of the subject before the House, to certain opinions introduced of late years by certain members of the Church, and had said that these opinions ought to be guarded against. He quite agreed with the hon. and gallant Member; and as the hon. and gallant Member had introduced the subject, he would say that he believed that the holders of these opinions, the Tractarians, were inflicting an injury of no common amount on the Church of which they are members. They were giving the utmost offence in many quarters, and when, in language almost as unintelligible, as, in his opinion, it was altogether unscriptural and uncharitable, they ventured to consign to " the uncovenanted mercies of God," members of any other Church than their own, they were creating disgust, and driving from their churches very many by whom such exclusive opinions could not be tolerated. The hon. Member for Montrose had alluded to the empty state of many churches in the City. He had heard of this state of things, and he believed he might venture a general opinion that the extent of congregations very much depended on the character of the preaching employed before them. He remembered a saying of Rowland Hill, " that the place where a cannon-ball might be fired with the least risk in London on a Sunday, would be along the aisle of a church in which the gospel was not preached." And he thought this was pretty nearly true in these days. People were not satisfied now with a mere dry, moral discourse; they desire to hear the gospel faithfully and affectionately preached. And when this was the case, as for instance in that great church St. Bride's, the minister of which the right hon. Baronet (Sir R. Peel) had appointed when he was for a short time in power in 1835, he believed there was a crowded congregation whenever the church was opened. The body of ministers to whom he had before alluded, the Tractarians, did much, he believed, towards emptying their churches, and he could not wish it to be otherwise. He trusted they would not be countenanced. The right hon. Baronet at the head of the Government had given proofs of his sentiments with regard to them, by the appointment he had made to the bishopric of Chichester; and he hoped, from some little indication of his feeling that he had manifested during the present discussion, that the right hon. Baronet would still discountenance opinions which he believed sincerely were dishonourable to the church of Christ generally, and greatly injurious to the established religion of this country.

Mr. *Borthwick* agreed with those who preceded him in approving of those parts of the plan which provided in the first instance for clergymen rather than for churches. There was a large amount of Church power now in the country not employed in the Church service. Within a few yards of where they now stood there had been provision made in early times for Divine service in a cathedral the finest in Europe; yet if you entered there on a Sunday, you saw only a small space set apart for the public service, and the rest of the building appropriated as a show-room in a manner the most unbecoming and inconsistent with the objects and character of that sacred edifice. Whatever might be the attendance in the churches in the city, he could say, from his own personal observation, that as much of that church as the public had admission to was fully occupied, and that he himself frequently stood during the whole service, and found many of both sexes obliged to stand also. He knew it was said that you must not admit the people of England into your cathedrals as you admit the people of Spain, France, and Italy, because they would deface the statues, and other ornaments and decorations. But he considered that that was an evil created by the exclusion of the people from the churches. He believed that the people of England were as religiously disposed as the people of France, Spain, or Italy—but when they were shown a church for 2*d*. a head, and were accustomed to look at its stained windows as they would at any other public exhibitions, and had them associated in their minds with no religious feelings, they could not possibly treat them with the respect that was due to them. He did not wish to speak too severely of the monuments erected in those cathedrals, but there were some admitted into them which were calculated to detract much from the purposes for which these buildings were erected. He thought that the doors of cathedrals ought to be thrown open to all who wished to enter, not only during the hours of Divine service, but during the whole day. It was impossible to visit the churches of the Continent, and to see at all hours of the day all classes of persons offering up their prayers with fervent devotion to the Deity, and then to come to England and not to be struck with the unseemly contrast, when they saw the churches open only at stated hours and for a given time on the occasions of public worship, and the people at all other times shut out altogether, or shown through them, as show rooms, at so much a head. Nor let it be said that this was a return to Catholicism and Popery, as some Gentlemen opposite insisted, who would carry what they called the principles of the reformation to a point at which the reformers themselves would shudder. It was not one of the principles of the reformation to exclude the people from the altars. On the contrary, he believed one of the most distinguished lay members of the Church of England who ever lived, and whose name was a synonyme for everything that was virtuous, religious, and honourable, said to his Friend Boswell when they were together in a church, and not at a time of public service, "There is the altar of your God before you, and I recommend you, before you leave your country, to solicit his protection to restore you to your country in health and peace, and happiness." He trusted that neither by the

Prime Minister of the country, nor by any section of the House, would the discussion of any peculiar tenets or speculative doctrine be sanctioned. If this were the case, those unseemly divisions which had occurred in the General Assembly of the Church of Scotland would be transferred to the House of Commons, the difference being that the question in the General Assembly were understood, whilst in the House of Commons the greatest ignorance would be found to prevail as to the arguments on both sides of the question.

Viscount *Sandon* entirely agreed with the hon. Member who had last spoken, that the House of Commons was not the place to enter into discussion on conflicting theological opinions, whatever they might individually think on the subject of those opinions. He rose for the purpose of expressing his gratification at the plan of the right hon Baronet, and the manner in which it had been received. He looked on it as the germ of a great principle. He was also glad to observe, that neither the right hon. Baronet nor the noble Lord opposite (Lord J. Russell), had said anything that would prevent them from hereafter going further if occasion required. At present he was satisfied with the plan as proposed, and he would not call on the House to force on any abstract principle of church extension. The measure was really one for the advancement of the temporal comforts of the people, for those temporal comforts were never more effectually secured than by the presence of a good resident minister among them. Half their evils arose from the want of a proper knowledge of their moral and religious duties. In this respect the services of the clergy had been great. From the farmer or the 'squire the people could get nothing in the way of education, while the minister was to be found devoting his time and his talents to the spiritual and temporal interests of his parishioners. If the clergy could inspire the laity with their own zeal on behalf of education little assistance in the way of funds would be required from the State. He was glad, too, to perceive that the plan included such a remuneration to the new clergyman as would enable them to discharge in a manner befitting their station the duties attached to their office. It was not the mere stipend of a curate fresh from a college, who looked on himself as merely passing through a parish to a better provision, and who therefore could not be expected to feel the same interest in the permanent welfare of his parishioners. He agreed, too, with the right hon. Baronet in thinking that this plan would develope the yet undiscovered and unexhausted resources of the people of this country in support of religious instruction.

Mr. *Campbell* rose to express his satisfaction with the measure of the Government, but at the same time he thought that the right hon. Baronet would do well to pay attention to what had been said by hon. Members, with respect to certain doctrines that now agitated the Church. It had been said that the House of Commons was not a fit place for the introduction of theological questions. If not there, where? In Scotland, in the General Assembly, the religious question that agitated the Church had been discussed on its principles and details, and the sentiments of the Church of Scotland were therefore known. Where were the means of effecting that result with regard to the Church of England? Where was the convocation of the Church of England? How and where were the new doctrines to be met face to face, so that it might be ascertained whether they were the sentiments of the whole church, or whether they were only those of the reformed Catholic Church, as they called themselves? He was convinced that those doctrines could not stand the test of discussion, and therefore it was that he desired to see them discussed. The time was coming, he was convinced, when theological questions would be actually forced on the House, and when that time came, it would be found that the doctrines to which he referred were a fester that was eating into the heart's core of the Church of England.

Mr. *Curteis* wished to make an observation respecting the appointment of the right hon. Baronet of the right rev. Dean of Westminster. He had seen a paragraph stating, that when the Prime Minister gave the right rev. Dean his appointment, he stipulated that the Dean should give every facility to the public of entering the abbey, and visiting it at all times. He (Mr. Curteis) understood the right hon. Baronet to confirm that, and the fact gave him very great satisfaction, as he had no doubt it would also give to the public generally. He hoped, that every facility would be afforded to the public for visiting and examining the abbey. The motion before the House gave him very great satisfaction. He had always been desirous of giving fair play to the Dissenters, and he hoped that they would feel that this was a measure which they could not oppose. He thought no proposition could be brought forward more fair or just, and that it was one which no Dissenter had a right to oppose. The Dissenters were not to be called upon to pay the proposed extension of church accommodation, and as a warmly attached member of the Church, and one of its liberal supporters, he thought they had a right to dispose of its finances in such a way as to improve and increase the means of supplying the consolations, and maintaining the services of religion.

Lord *J. Manners* entirely agreed with the noble Lord near him, that this was no place for theological discussions, and therefore he should not enter on them. He had abstained from voting on the Church of Scotland question; he remembered that that course met with the approbation of the hon. Member for Argyleshire, and he most sincerely regretted that the hon. Member had not imitated, on the present occasion, the course then taken by so humble an individual as himself. Any measure that would give a right to the state to interfere, more than it had hitherto done with the Church, would be fraught with the most dangerous consequences to the country. In former years, measures had been introduced into Parliament which created great alarm among the best friends of the Church; these related to ecclesiastical property, but however injurious they would have been to the temporal interests of the Church, they did not trench on her doctrines. But now it seemed that House was to be the arbiter of the doctrines of the Church. The hon. Member for Argyleshire said, it was fitting it should be so, because there was no other body in England which could decide on those doctrines; but the hon. Gentleman answered this argument almost in the same breath, by asking, where was the convocation? He agreed with the hon. Member on this point, and would ask, why should not the Convocation be called? As to the measure of the right hon. Gentleman, he had not a word to say against it. It seemed to give a permanent sanction to the constitution of the ecclesiastical commission, he regretted that that sanction should be given, but, in the present state of affairs, he did not see how it could be avoided.

Mr. *Campbell* explained, that he held that the House of Commons had a right to interfere with the temporalities of the Church, but not with the spiritualities. He had never said, that there was no power in the Church of England that could decide spiritual points, but he said, there was no power which did decide them.

Mr. *S. O'Brien* alluded to the remark made by the hon. Member for East Kent (Mr. Plumptre) that the city churches were empty because the clergymen who filled them were the reverse of such men as Mr. Dale. He had heard it with great regret, and he was sure that the city clergy would hear the remark from no man with more sorrow than from the hon. Member. The real reason why the churches were so thinly attended was, that the city was actually depopulated on Sundays.

Mr. *Acland* thought, that for that House to enter on questions of doctrine, could lead to nothing but idle discussions. He agreed with the suggestion thrown out, that the right place for such discussions was the Convocation. He held himself entitled, as a lay Member of the Church of England, to claim for her that right of which he believed all other religious communities in the world were in possession — the right of expressing, in the proper and constitutional manner, her own doctrines—and he would go further, and say, on practical points relating to the management of the internal affairs of the Church. He should not object to the right hon. Gentleman's plan, because it had not been laid before Convocation; but he must protest against the constitutional right of the Church of England to express her opinion on her internal affairs being questioned. He disapproved of the manner in which these questions were bandied about in that House, and hoped that Gentlemen on that (the Ministerial) side of the House, the depth of whose religious feeling he could not but respect, though he might differ from them on some points—would consider the injury of which the incautious handling of them might be productive to that faith which they held in common. If the time should ever come when the Church or its tribunals proved faithless to their trust, then it might be for the Ministers of the Crown to interfere; and if they neglected their duty, Parliament would step in at the proper time; but he would earnestly entreat all sober, religious, and devout men to be careful less this produced an injurious effect, by lightly introducing this subject. He most thankfully hailed the tone of the remarks which had fallen from the right hon. Gentleman—although it might be presumptuous in him to pass any eulogy — the disposition which he showed; and it was not the first time such observations had fallen from that high quarter — to remind individuals of their duties, and admonish the wealthy of the obligations which attached to property. He thanked the right hon. Gentleman also for the manner in which he had referred to the exertions made by private persons in the cause of religion, which would be gratefully received by those who had laboured in the cause, and taken as evidence that they had produced some good.

Mr. *Brotherton* said, the noble Lord opposite (Lord J. Manners) seemed to think that House had no right to interfere with the temporalities of the Church. If they had no right to interfere with these temporalities, they had no right to take them from the Roman Catholic clergy; but he conceived that Church property was public property, and ought to be under the control of Parliament in every respect. He could not but wish that measures had been taken to relieve the Dissenters from the payment of Church-rates; but this measure would be useful, and produce great benefit to the community. In order to turn the property of the Church to greater account, he would recommend that the very large livings in the gift of the Crown should be divided. He knew an instance of a living in the gift of the Crown which had become vacant not more than a month ago. It was worth 1,600*l.* or 1,800*l.* a-year; and he knew, from his own knowledge, that the rector had never set foot in his parish, which was a very large one, for eighteen years. Government might promote the interest of the Church very materially by endowing additional churches within this parish.

Mr. *Baring* had a question to put to the right hon. Gentleman as to the details of his plan. It was proposed to take an advance of 600,000*l.* from the bounty fund. He wished to know what provision was to be made for paying the interest of that loan? He did not quite understand whether the right hon. Gentleman proposed to make any arrangement for the repayment of the capital.

Lord *J. Manners* said the hon. Member for Salford completely misunderstood him, if he thought that he said the House had no right to legislate on the temporalities of the Church. He said it was not the place for a discussion of the doctrines of the Church.

Mr. *Brotherton* wished to know if the living to which he alluded, which was in a parish in Derbyshire, had been filled up.

Sir *R. Peel* said—I will give to the question of the hon. Member for Salford the best answer I am enabled to give at this moment. It is true that there is a living in the gift of the Crown which has recently become vacant, and it is nearly the first living which has fallen to my disposal since I have been Prime Minister. It is the living of Eckington and Killamash, in which two parishes are united. I am sorry to say that the spiritual concerns of that parish have been neglected. The living is nearly 1,400*l.* or 1,500*l.* a year, and the course I have taken has been to report to the bishop and archdeacon as to what is the most advisable plan for the spiritual interests of the parish; and my advice to the Crown will be to make such a disposal of the funds as will best promote those spiritual interests. I think the arrangement that will be finally recommended by me to the bishop and archdeacon will be to disunite those two parishes and to divide the 1,500*l.* a year between three churches, leaving quite a sufficient revenue for Eckington parish, 300*l.* or 400*l.* a year for Killamash, and provision for a chapel of ease at Eckington, and thus having three cures of souls in the place of one. That is a plan in which the Crown would cordially concur. But I am not prepared to apply that principle to every case. Each particular case must depend on its own circumstances. I think there should be preferments in the Church for very active exertions, for great learning and distinguished merits; but I take that particular parish, which is formed of two parishes with a larger income than sufficient for the duty, and I shall most readily concur in the arrangement which I know will be submitted to me. With respect to the question of the right hon. Gentleman the Member for Portsmouth, I beg to say that

I propose to assign the landed security of the estates to all those incumbents who are entitled to receive the interest of the augmentation fund in lieu of the funded security which they have at present; but in case the governors of the Queen's bounty required the repayment of the principal, I must give the power of repaying it. I shall have 18,000*l.* perpetual annuities to provide for yearly; this is 600,000*l.*; and I shall have 30,000*l.* to provide for to continue the endowments; but I shall be ready to substitute landed security for funded security; but it may be right in case the governors of the Queen's bounty should require that repayment of the principal, to give the power of repaying it. [Mr. *Gisborne:* By selling the land.] Just so, and I am not prepared to say it is not desirable in many cases to do that. Instead of retaining the land, it is easy to conceive that a gentleman having land intermixed with one of these estates may give much more than any one else—what is termed, in fact, a fancy price—and the commissioners in such cases should have the power to sell the land, and I hope they would do so if they were satisfied that it was for the interest of the Church that a particular estate should be sold; always investing the produce of the sale in some permanent security for the benefit of the Church. In fact, to repay the capital, there may be no alternative but to sell the land. With respect to the paragraph to which the hon. Member for Rye referred, relating to the appointment of the Dean of Westminster, it was not quite exact. I made no stipulation with the dean; but on the appointment being made, I directed the attention of that gentleman to the recommendation of the committee of the House on public buildings and monuments, and expressed an earnest wish that he would use his influence to carry them into effect. I also did express a wish that Westminster Abbey, and such venerable edifices, should be made as available as possible for the purpose of accommodating larger congregations in attending the ordinances of divine worship. I will not refer at all to the incidental matters which have towards the close of this debate been introduced to the notice of the committee. I certainly entertain a strong opinion on the points which have been referred to. It is possible I may have implied what that opinion is; but at any rate I cautiously avoided saying a word which could possibly lead to the introduction of those topics into this debate, and, acting on the same principle, I shall not now to be tempted more particularly to refer to them. When, therefore, I express my great gratification at the course of this discussion, I must be understood as speaking only of the portion of it which bore upon the proposal I made. It is quite true that this is no magnificent scheme. It certainly is not; but I very much doubt whether it is not more for the advantage of the Church that I should make such proposals as have received such support as has been accorded to my present proposition, by men entertaining very different opinions both in politics and in religious matters, than if I had brought forward some magnificent scheme to encounter very violent opposition. What have I proposed? To present the example of the Church of England abolishing sinecure appointments, and appropriating the revenue derived from them to the promotion of the spiritual instruction of the most populous districts of the country. An hon. Friend of mine, who always speaks with much ability, and whose sincerity adds weight to all that falls from him (Mr. Acland), laments the constitution of the Ecclesiastical commission; but if he only saw the history of the estates of the non-residentiary prebendaries, and contrasted the manner in which they have been administered with the mode in which hereafter they will be applied if this measure receives the sanction of Parliament, planting and providing for a clergyman of the Church of England in the centre of populous districts, where her doctrines are at present utterly unknown,—I am sure he would be of opinion that the course which was taken of appointing that commission originally, and in leading to this result, providing for a better management and a different appropriation, was conducive alike to the spiritual welfare of the population, and the direct benefit of the Church. I could prove to him that the estates hitherto possessed by the non-residentiary prebendaries will produce hereafter at least five or six times the amount they have hitherto yielded, for, according to the calculation of Mr. Finlaison, out of 100*l.* value in estates the Church only receives 23*l.*, and instead of being enjoyed by persons having no duty whatever to perform, and constituted because there were no duties to perform, the revenues of these sinecures will be applied to promote the spiritual instruction of the people. There are 360 of these non-resident prebendaries, to which the same principle will be applied; but I thought it better to propose a single measure at once, when it was one of such importance as the present, rather than complicate it with multifarious matter. My examination into the management of Church property, consequent on the preparation of this measure, leads me to think that there may be very material improvements in its administration. Restricting its improved revenues to spiritual purposes, not in relieving property from any of its legal obligations, my belief is, you would get a much larger sum than 30,000*l.* a-year, applicable not only to better pastoral superintendence, but to the spiritual education of the populous districts. You would find employment for a much larger sum; and I hope there will be no impediment to such an improvement in the administration of Church property as may enable the Ministers of the Crown to propose further measures, founded on the same basis as this. My hon. Friend the Member for the University of Oxford (Sir R. Inglis) laments that I have not proposed a large Parliamentary grant; and what would have been the consequence if I had? The hon. Member for Evesham says, that agreeing in church matters much more with my hon. Friend (Sir R. Inglis) than with me, he would, nevertheless, in the present state of the revenue have offered the most strenuous opposition to the proposal of a Parliamentary grant. Then my noble Friend the Member for Liverpool, said the clergyman was always ready to promote education, but if you touched the squire or the farmer there was the greatest outcry; and perhaps at the present moment neither the squire nor the farmer would be inclined very favourably to listen to a proposition which was to increase the public burthens by a considerable sum applied to Church extension. Then came the noble Lord the Member for Newark (Lord J. Manners), who is so jealous of any Parliamentary interference with the rights of the Church, that if I had asked the House of Commons to interfere with the Church in these matters he would have opposed the vote; and, if any proposition for a grant of public money had encountered on this side the opposition of three such decided friends of the Church, I doubt whether when hon. Gentlemen opposite came to discuss the question the result would have been quite so harmonious as I am happy now to find it. I propose that the Church shall set this great example; the immediate pecuniary benefit I expect to derive from the measure is 30,000*l.* per annum: but I also hope that with so much in the shape of permanent endowment, members of the Church will be induced to come forward as they have done in the building of churches; and, above all, the advantage I anticipate is, that by this proceeding I shall place the Church of England in a favourable light before the people of this country; and conciliate towards it that favour and affection to which I believe it to be justly entitled, and lay the foundations of extended usefulness. Those foundations must be widened. It is in vain that you have splendid cathedrals, and bishops highly endowed, in vain you have dignitaries and splendid edifices, if you fail to impress on the people the conviction that great practical advantages are to be derived from them. Unless in populous districts you bring the ministrations of the Church within the reach of the people, it is in vain that you support its dignitaries, for the polished columns of the temple will not be secure unless you widen the basis on which they rest. Here is the point in which the Church of England is wanting at present; her parochial constitution was made in other times, and suited to other states of the people; you must divide parishes and bring ministers into them, and you will thus add at once to the respectability, to the influence, and to the property of the Church by applying her present property to strengthen her position and increase her influence. I repeat it, this is not a magnificent scheme which I propose, but see what has been done in this metropolis by one man. While the records of the Church of England are preserved, the efforts of the Bishop of London will be remembered with honour and gratitude, he has raised nearly 200,000*l.* for the construction of churches within the metropolis, and my belief is, and his belief is, that if permanent endowments had been secured for the ministers, a much larger sum would have been raised. Depend upon it you will find the sum I propose to apply greatly augmented by voluntary contributions, and by the zeal you will inspire in individuals on behalf of the Church from the amiable, benevolent aspect in which you present her to the public eye. By these means you will realize for the Church much greater and more permanent advantages than if by a majority in this House I had carried a vote for a sum of 200,000*l.* for increased endowments. In truth, I have great doubt whether, if I had proposed and carried such a vote by a large majority, I should have secured any permanent advantage to the Church. The noble Lord the Member for the city of London made some suggestions on the subject of Church patronage, and something of the same kind has occurred to myself; but, as I said before, we do not offer this bill as the single measure to effect all the necessary improvements in the management of Church property: though we thought that it would be more beneficial to propose a single improvement at first, which could be easily understood, and was not likely to encounter opposition, than to propose a magnificent scheme which from the present temper of men might not succeed. Now, anything calculated to separate in any way the connection between the Church and the Crown I should consider very inadvisable, but I think that an exchange of Church patronage, so as to enable the Crown to appoint the minister in very populous districts might frequently be attended with good effect. As to small livings, it would, I think, be desirable that the Crown should have the power of disposing of them on condition that an ample endowment of the living should be made; for instance, if a living were worth 50*l.* or 60*l.*, transfer it to an individual on condition of his permanently endowing it—say to the amount of 150*l.* By that arrangement no party would lose anything; the Church would gain the additional sum, the parish would gain a resident minister, and the Crown would derive advantage far exceeding its loss, from having the spiritual affairs of the parish properly administered. In that and other respects, not affecting the independence of the Church, I have a strong impression that, considering the parties who have to deal with this property, and that having to make arrangements in which their personal interests are deeply affected, they cannot afford to treat with their lessors on the same advantageous terms as ordinary lessees, it might be very advisable to transfer to the Church from individuals a larger share of power in the administration and distribution of this property than it at present possesses. According to Mr. Finlayson's calculation, to which I have already referred, the Church does not get, under the present system, more than 23 per cent. upon the real value of its property. These things, however, require cautious consideration; but if Church property can be improved, and the increase applied to spiritual purposes alone, and not to relieve other property from its legal burthens—then, without calling upon that House for any vote of public money, the spiritual welfare of the people may be very considerably promoted, and the end which we have in view by the production of this bill greatly advanced. I will only repeat how much I have been gratified by the course this discussion has taken with regard to my proposal, and conclude by expressing a confident anticipation that this appeal on the part of the Church of England will be responded to on the part of the people, and that the 30,000*l.* will be followed by contributions which will enable the Church of England to extend its influence and utility more generally throughout the land.

Resolution agreed to.

House resumed. Resolution reported and bill ordered to be brought in.

Poor-Law (Ireland).] Lord *Eliot* rose to move the second reading of the Poor Relief (Ireland) Bill. He trusted the House would allow him to make a short explanatory statement of its principal provisions, which he was sorry to say had been greatly, he would not say wilfully, misrepresented. He hoped he might also be permitted to say in passing, that he thought hon. Members would do better to state their objections to legislative measures in their places in Parliament, rather than abandon the position they had undertaken to occupy, and canvass them at public meetings, where there was no opportunity of meeting them. Great pains had been taken to collect opinions on the subject of the working of the Irish Poor-law, from gentlemen who were most conversant with the subject; this bill was the result of a careful collation of those opinions, and he felt he might undertake to say, on the part of Ministers, that they would be prepared to give the fullest and fairest consideration to every suggestion that was offered by any hon. Member in the committee. The first alteration which the bill in effect made in the existing laws was contained in the fourth clause—which proposed to rate the owners, or rather the immediate lessors of tenements of less value than 4*l.*, or in certain populous towns and cities than 8*l.*, instead of the occupiers of them. The true principle was, no doubt, that every occupier and holder of property should be rated, and should pay in respect of it; but every one acquainted with the practical working of the clause, as it originally stood, would have no difficulty in attributing a great portion of the dislike that prevailed to the measure to the very fact, that persons were called on to contribute to the rate who, from their position, were utterly unable to bear that burthen. He would read a few examples of the mode in which it operated on the poorer classes in Ireland. He held in his hand a return of such cases in different places in Ireland. In Monaghan, for instance, there was an old woman's case, in which the valuation was 15*s.*; the rate she was called upon to pay was 3½*d.* She was unable to pay, and a distress being put in her house she gave an old shawl to get rid of it. There was the case of a man named Snell; the valuation was 15*s.*, the rate 3½*d.* There were six in his family, and they all went out to beg for the amount. Another man was rated at the same amount, 3½*d.* He was supported only by charity, and having been confined to his bed for a long period was unable to pay the rate. He could multiply such instances almost to infinity, but the consequence was the collection of the rate in such instances became almost impossible. The collectors, where they were humane men, gave up in many instances the whole of their poundage in paying small amounts of rate rather than proceed to extremities. There was great difficulty in getting men to undertake the duty. One humane collector threw up the office, declaring he would not undertake it for 5*s.* in the pound instead of 6*d.* Another effect of this system was, that it inflicted hardship and expense on the other ratepayers. The poundage which was calculated at 6*d.* now amounted to between 1*s.* and 1*s.* 6*d.*, and it was impossible to get persons even then to undertake so painful and laborious a duty. But it might be said, that the exemption of these parties would cast a very large burthen on the lessors, who would be called upon to pay for them; he found, however, that with few exceptions, such would not be the case. In the Lurgan union there were 13,569 ratepayers, of whom 9,050 were valued under 5*l.*; in Newry there were 18,327 ratepayers, of whom 10,706 were valued under 5*l.*; in the Monaghan union there were 10,537 occupiers, of whom 4,075 were valued under 5*l.*; in the Banbridge union there were 17,961 ratepayers, 10,083 being valued at less than 5*l.*; in the Kilkeel union the total number of occupiers was 5,813, of whom 2,898 were rated under 5*l.*; and in the Ardee union there were 3,996 occupiers, of whom 1,437 were valued under 5*l.* In Enniscorthy there were 11,643 persons rated to the poor-rate, and of this number 2,420 were rated under 1*l.*; 1,525 persons were rated at more than 1*l.* and less than 2*l.*; there were 3,945 persons whose valuation did not exceed 2*l.*, 2,289 whose valuation was between 2*l.* and 5*l.*, and the total number of persons whose valuation did not exceed 5*l.* was 6,234. He would not at that late hour go into detail upon this point, but he believed it would be found that the number of persons rated at these small and insignificant amounts was very large, and the amount of rates paid by them was comparatively trifling. He was quite aware that in the western districts, especially in the counties of Mayo and Donegal, the proportion was much larger; but he believed it would be a most beneficial arrangement, with regard to two-thirds or three-fourths of the country, to exempt the tenants under the annual value of 5*l.* He might observe that a similar exemption already existed with regard to the grand jury cess, in the case of premises under the value of 5*l.* The amount of value to which this exemption was to be limited, whether 3*l.* 4*l.*, or 5*l.*, might be discussed in committee; but he believed that it would be most advisable to rate the owners or lessors, who were generally much better able to pay the rate than the occupiers themselves. It was open to the Government to take one of two courses—either, as they proposed, to rate the lessor instead of the occupier, or to entitle the occupier to deduct the rate from the lessor. It might appear immaterial, at first sight, which of these courses was adopted, but he believed that, by adopting the former plan, the difficulty of collecting the rate, to which he had already alluded, would be in a great measure obviated. The next provision of the bill to which he would direct the attention of the House was the 5th clause. This was not, however, of any great moment. It merely enabled landlords and tenants, where the annual value exceeded 5*l.*, to substitute the name of the lessor in the rate, instead of that of the lessee. There might be cases in which the landlord and tenants might be desirous of doing this, and he thought that facilities should be afforded them for making such an arrangement. The 7th clause enacted that no person in the occupation of any rateable property, and primarily liable to pay the rate made in respect of such property, should deduct from any rent which he might be liable to pay more than one-half of the entire rate paid by him. This provision was intended to counteract any disposition on the part of the boards of guardians—which might be excited by the present law—to lower the valuation. At this moment the valuations were very low, not only below the rack rent, but below the fair letting value. The 8th clause enabled the commissioners to do that which he believed was the intention of the law to have given them power to do before—namely, in cases where the board of guardians declined to appoint a fit and proper person to make the valuation, to give the commissioners power to make appointments themselves, and enabled a person so appointed to enter premises at all reasonable times, for the purpose of making or revising his valuation. There could be no doubt that by the 66th clause of the present act this power was vested in the commissioners; but some doubts had arisen upon the wording of that clause, as to whether the valuators so far appointed by the commissioners, and not by the boards of guardians, had the power of entering premises for the purpose of making their valuations. One object of this clause was to compel the guardians to adopt a valuation thus made as the basis of the rate. At present, although such a valuation might be made, the guardians could not be compelled to adopt it. The next clause of importance was the eleventh, in which an attempt was made to define the residence necessary to render a pauper chargeable to any electoral division. No new principle was involved in this clause. As the law at present stood, a pauper resident in a particular electoral division was chargeable to that electoral division, and not to the union at large; but there was no definition in the existing law as to residence. Almost every board of guardians had taken a different view of this question, and had applied a different rule. Several petitions had been presented on this subject, and he might especially allude to one from the board of guardians of Ennis, in which they stated, that they had experienced great difficulty in the working of the Poor-law act, from the unsatisfactory state of the law respecting residence; and that they had been unable to avail themselves of the advantages which it was supposed the measure would confer, on account of the difficulty of agreeing upon such definition of the word "residence," as would render the pauper chargeable to the electoral division in which his poverty originated. The effect of this clause would only be to charge a larger proportion of the paupers to the union at large than to any electoral division. Many representations had been made to the Government, pressing the expediency of charging all paupers upon the union at large, and showing the hardships to which some electoral divisions were subjected; but he thought less injustice would be done by adhering to the present law, and by defining the meaning of the word "residence," than if the whole of the paupers were thrown upon the union at large. The 12th clause provided that, if the guardians of any electoral division upon whom a pauper was made chargeable, considered the decision of the board of guardians to be unjust, they might appeal to the assistant barrister. He did not think this provision would be productive of any great amount of litigation, for unless the guardians thought they could make out a case which would satisfy the assistant-barrister, they would not be likely to saddle their electoral districts with the costs of such proceedings. The next clause, the 13th, provided that the guardians might send any destitute poor deaf or dumb or blind child under the age of sixteen to any institution for the maintenance of the deaf or dumb or blind, which might be approved of by the commissioners, and might pay the expenses of its maintenance from the rates. This was, he thought, a very beneficial provision, for deaf and dumb children, who would otherwise have remained for life a burthen upon the rates, might, by means of the instruction they received in such institutions, be enabled to obtain their own livelihood. The 16th clause gave additional powers to the guardians to raise a rate for the purposes of emigration, and this provision applied not only to the actual paupers residing in the union, but to any destitute poor person who had been an inmate of the workhouse. He thought that this clause would afford great facilities for relieving parishes from able-bodied paupers and inmates of workhouses, especially females. A considerable number of women had been transferred from the house of industry to the union workhouses in Dublin, and they still remained chargeable to the poor-rate. Great difficulty was experienced in obtaining situations for them, and their number was gradually increasing; it had, therefore, been deemed advisable to give guardians power to provide the means of removing such persons, especially women, from the country as emigrants. By the 17th clause it was proposed to increase the number of *ex officio* guardians to one-half the number of elected guardians. He thought it was desirable that the House should understand clearly the real intention of this clause. It was unnecessary for him to remind the House that in England there was no restriction upon the number of *ex officio* guardians. He had observed that it had been stated at public meetings in Ireland that such restrictions did not exist in England, and that the framers of the bill wished to do in Ireland what they did not attempt to effect in England. There was in England no restriction on the number of *ex officio* guardians. In Ireland, from the much greater extent of the unions, if all the magistrates were appointed *ex officio* guardians, the number of *ex officio* guardians would exceed that of the elected guardians. But it was proposed by this clause to increase the number of *ex officio* guardians from one-third to one-half the number of elected guardians. Suppose there were in a union thirty elected guardians, it was proposed that there should be fifteen *ex officio* guardians, the whole number would then be forty-five; so that the *ex officio* guardians would only constitute one-third of the whole board, and not one-half, as had been erroneously supposed. He believed that, if this clause were adopted, it would have the effect, in almost every instance, of including the great body—if not all—of the resident magistrates in the board. Some objections had been urged against the 20th clause, which provided that no person who had within five years been removed by the commissioners from any office, or had been convicted of felony, fraud, or perjury, or was otherwise disqualified, should be capable of being elected, or appointed, or of acting as a guardian. This clause was, in fact, transcribed from the English bill of last year, and no objection had been taken to it by any hon. Gentleman on either side of the House. He had now, he believed, directed the attention of the House to all the principal amendments which it was intended to introduce into the existing law. He believed the adoption of these amendments would have the effect of removing many of those impediments which now clogged the operation of the law, and would render the Irish Poor-law Act capable of fulfilling the benevolent intentions—he had no hesitation in using the term—of the noble Lord opposite, and of the Government by which that measure was introduced. The noble Lord moved the second reading of the bill.

Mr. *F. French* said, before he brought forward the amendment of which he had given notice, he thought it advisable to say that he was favourable to the principle of a poor law. He was one of those who thought that both humanity and policy called for a compulsory provision for the poor. Political economists, having solely in view the production and distribution of wealth, might be opposed to such enactments; but the House of Commons should take a more comprehensive range, and consider the nature, production, and distribution of human happiness. He contended that man should not be dealt with as a mere machine for the production of wealth, and that in no community, where there were means to prevent it, should their fellow-creatures be suffered to perish through want of the means of subsistence. Nature would vindicate her own rights if legislative enactments attempted to contravene them, and the inevitable result of leaving the great mass of the people to misery and destitution, must be disaffection, turbulence, and bloodshed. With the most benevolent intentions, and the most sincere desire to promote the welfare of the Irish people, he believed the present poor-law to have been introduced. It was, however, unfortunately founded on the mere assertion and on the inaccurate calculations of Mr. Nicholls—assertions so unfounded and calculations so inaccurate as, but for the ruin they had wrought, to be subjects only fit for derision. Under it the country had been covered with workhouses, many of them unnecessary—some without water, several without sewerage, all of them incommodious and unhealthy; calculated from their formation, to forward the spread of contagious disease amongst their unfortunate inmates. This had been effected at a cost of 1,300,000*l.* —a sum neither contemplated nor sanctioned by the legislature. Mr. Nicholls, in the 26th page of his first report, stated

> "That in all probability the number of workhouses would not materially, if at all, exceed 80; that in aid of this number the houses of industry, mendicity, and other establishments, would become available at probably a small expense."

And even admitting that, in place of 80, 100 workhouses would be required, Mr. Nicholls stated, that this would give a gross outlay of 700,000*l.* for the whole of Ireland—a sum, he remarked, surely not large when the nature of the object was taken into consideration. Now, it appeared that Mr. Nicholls, in place of 80, as he originally proposed, or 100—an extent of increase he barely admitted to be possible—had taken on himself to build 130 workhouses. This rash step was not attributable to any attempt to bring about an equality of size in the different unions throughout Ireland. They varied in a most extraordinary degree. The union of Rathdown, in the county of Wicklow, contained 75 square miles; that of Shillelagh, 89; Carrickmacross, in the county of Monaghan, 94; Belfast, 74; whilst Westport, in the county of Mayo, contained 532; Tralee, 584; Glenties, 447; and Ballino, 792. The sum of 700,000*l.* was the uttermost extent of expenditure for providing workhouse accommodation Mr. Nicholls admitted to be possible, but, owing to his reckless and wasteful expenditure, he had laid out on the construction of these buildings, 1,300,000*l.* He would wish to be informed by the right hon. Baronet the Secretary of State for the Home Department, by whom this unauthorised expenditure of 600,000*l.* was to be repaid? No Irishman was considered worthy of being entrusted with the extensive powers confided to the Poor-law commissioners. Did the right hon. Baronet mean to propose that Ireland should be mulcted in so large a sum for the reckless improvidence of this English official? Let him look to the remonstrances from the boards of guardians, of the Fermoy, Rathkeale, Edenderry, Strabane, Mountmellick, Lowtherstown, and other unions, and he would see that the excess of expenditure was attributable to Mr. Nicholls, and to him alone. It would be a matter of grave complaint were Ireland to be saddled with the consequences of his misconduct. The expense at which the commission was worked—the arbitrary and offensive manner in which commissioners dealt with the poor-law guardians, endeavouring to reduce them to mere cyphers—the utter ignorance of the condition, habits, and feelings of the Irish people they had shown—the contemptuous disregard for considerations of the highest importance they had displayed—would, of themselves, throw great difficulties in the way of carrying any law through such hands into successful operation. But all parties in Ireland were anxious to give this law a fair, nay, an indulgent trial; and none of the causes to which he had alluded, weighty though they might be, nor all of them together, would have brought about the overthrow of the present system, did the result of experience and observation show that relief commensurate with the outlay of building or the cost of maintaining these establishments was dispensed, or likely to be dispensed, to the poor; but this was not the case, it was a measure inflicting a heavy amount of taxation without anything like a corresponding amount of benefit under it—neither had destitution been lessened nor mendicancy diminished. He appealed confidently to those who had lately been in Ireland. Was there any apparent effect from it in the rural districts and in the towns? Were not the same masses of human filth, misery, and nakedness, described by Mr. Nicholls, in his words, still "constantly moving about, presenting themselves to every eye, and soliciting from every hand?" As a measure of relief, it was a total and unexampled failure. What was the expense at which it was to be maintained? Mr. Nicholls, in the 64th page of his first report, calculated 100 workhouses, each capable of holding 800 paupers. Should they be fully occupied during the year, their total cost for maintenance, salaries, clothing, wear, and tear, &c., would be per annum, 312,000*l.* If the workhouses were, on an average, to be occupied by only three-fourths of the full number throughout the year, the establishment and other charges continuing the same, the total charge would be per annum 260,000*l.* If the workhouses were to be only half filled, on an average of the whole year, the charge would then be 208,000*l.* per annum. Mr. Nicholls went on to say,

> "Our experience of workhouse administration in England would warrant the adoption

of the last of the above assumptions; but it might be safer to take the second, which would probably be found to approximate pretty nearly to the truth—260,000*l.*"

It, however, appeared from the statement of the noble Lord the Secretary for Ireland, that the sum required was 680,000*l.* a-year, considerably more than double the original estimate, and, in his (Mr. French's) opinion, still considerably below the sum that would be actually levied. Taking the rental of Ireland, according to Mr. Griffith's valuation, at 14,000,000*l.* a-year, a rate of 1*s.* in the pound, which was about the lowest it had been, would amount to 700,000*l.* annually; but in Limerick the rate amounted to 2*s.* 6*d.* in the pound; in Rathkeale, to 2*s.* 6*d.*; in the electoral division of Kilfinnan, in the county of Limerick, to 5*s.* in the pound. Take, as a moderate estimate, 2*s.* in the pound, and this for the support of 94,000 paupers would amount to 1,400,000*l.* yearly. The commissioners of poor inquiry calculated that for thirty weeks in the year 2,300,000 would require relief, say 1,000,000*l.* annually, it would require 14,000,000*l.*, the highest calculation ever yet made of the rental of Ireland to give, under the present system, adequate and efficient relief to this number. What would be said in England to a law which, for the relief of the poor, absorbed the entire rental of the country—62,000,000*l.* sterling? Would they not demand, ay, and obtain, its instant erasure from the statute-book? Unless some means were devised by which the law in Ireland would be rendered less burthensome to the people, and more beneficial to the poor, its repeal was inevitable. A feeling of deep dissatisfaction with respect to this law, which never was suited, nor ever could be rendered suitable to the condition of Ireland, a feeling of disgust and indignation at the conduct of those by whom it was administered, had sprung up and pervaded every class of society throughout the country. Neither those by whom the rates were payable, nor those for whose support they were professed to be levied, were contented that it should no longer be continued. In array against Mr. Nicholls and his monomania of a workhouse test, for it was no less, appeared the clergy of all persuasions, the landed proprietors, the press, the medical profession, the farmers, and, finally, the great mass of the people, amongst whom her Majesty's Government were aware there was a formidable organised resistance to the payment of the rate —a resistance as formidable and as likely to prove successful as that which formerly existed in relation to tithes. It was no light matter to find one more cause of dissension and bloodshed added to the many hitherto distracting that unhappy country, but as they sow, so must they reap; and what could they expect from legislating in defiance of the will of a nation? The art of legislation had been defined to be, the giving a specific sanction, a technical dress to the general sense of the community. Try the Poor-law by this test—hear the opinions of practical men who had given their unpurchased services to the working out of this measure. The board of guardians of the Tipperary union stated that although unanimous in favour of a state provision for the aged, destitute, and infirm, they could not refrain from expressing their regret at the present law being precipitately introduced into Ireland, or its formation by parties who had neither knowledge of the habits of the people, nor time or opportunity to judge of the best manner of administering to their necessities. They stated that the workhouses had been raised in monstrous extravagance and reckless haste, neither permanent nor convenient for the purpose, discreditable to all parties concerned in the undertaking, and clearly proving a carelessness in the management of the funds entrusted to their care. The nobility, gentry, and landholders of Fermanagh, at a public meeting, the high-sheriff in the chair, expressed their conviction that the present Poor-law had failed to accomplish the object for which it was passed. In the union of Mountmellick the guardians complained, that without due advertisement, or even acquainting the petitioners, the Poor-law Commissioners had contracted for land to build the workhouse on, at a most extravagant rate, when an equally eligible site could have been obtained for one-fourth of the money. The Bandon board of guardians had found by experience that the expenditure for the support of the poor had far exceeded Mr. Nicholl's estimate, and that the administration of the act under the Poor-law Commissioners had materially added to the public burthens without commensurate advantages to either ratepayer or pauper. The inhabitants of Carrickmacross stated that they as well as the people of Ireland in general were grievously disappointed in the working of the Poor-law, which was not at all adapted to that country. The board of guardians in the Mallow union, stated,

> "That the present system of Poor-laws had utterly failed as a measure for the relief of pauperism, and seemed rather calculated to aggravate the evils, and still further to depress the social condition of the poor; that it was introduced contrary to the report of commissioners of high character and ability; that the present law was obnoxious to all classes of the community, because the relief afforded bore no proportion to the amount of the tax, and even if economically administered, it would be inadequate to meet the evils it professed to remedy, while it tended to the gradual extinction of those charitable and domestic virtues for which the Irish people had been remarkable."

They further stated,

> "That the commissioners had forfeited the confidence of the public by their wasteful expenditure, and by their disregard of all reasonable remonstrances; by the undecided and evasive character of their communications, and by the unsatisfactory manner in which they had discharged the important duties confided to them."

The grand jury of the county of Galway stated the public opinion to be,

> "The law is so irremediably faulty that it ought to be entirely repealed."

The Limerick grand jury stated,

> "That they viewed with great alarm the excitement resulting from the operation of the Poor-law, and stated, from the experience of two years, their conviction that the beneficial objects intended by the Legislature to the poor had not been realised, and that its continuance would, in their opinion, endanger the peace of the country."

The inhabitants of Tuam stated that,

> "The present Poor-law was totally inadequate to heal or diminish the evils of destitution in Ireland—that in place of providing for the distress of the necessitous poor, it was calculated to aggravate the hardships of that class, and that the universal discontent, as far as it had worked, was an incontrovertible proof of the entire unfitness of the present system to the condition of Ireland."

The petitions from the county of Roscommon stated—

> "That it was a measure inapplicable to the country, and unpalatable to the people; that it would retard and ultimately paralyse the industry of the country, and was fraught with countless evils both of a temporal and spiritual nature."

The poor rate-payers of the barony of Tullabuen, in the county of Limerick, and of the union of Rathkeale, stated—

> "The present Poor-law to be quite inapplicable to Ireland, and unsuited to the habits and religious principles of the people, which led them to aid the mendicant as a sacred duty law could not abolish."

The board of guardians of the Ennis Union stated their conviction—

> "That the present Poor-law was not suited to the state of society in that country, and that it was highly expedient that it should either be greatly modified or repealed altogether."

The rate-payers of Bandon stated—

> "That the present Poor-law system evinced on the part of those by whom it was framed a profound ignorance of the habits and of the moral and social character of the Irish poor, and a total disregard of their strong domestic affections."

The rate-payers of Tibohene declared, that—

> "The law had already excited the discontent of all classes; and that unless repealed, the peace and tranquillity of the country would be endangered."

They profess themselves—

> "Ready and willing to support the poor of their own parish, as recommended by Doctor Doyle, and the only way in which the principle of a Poor-law can be rendered applicable to Ireland."

They demand—

> "That the union workhouse should be pulled down, and the materials sold, to save them from being involved in a ruinous and useless expenditure; and in this case they declared themselves willing to submit their lands to an assessment sufficient to cover the difference between the sum received from the sale of the materials, and that laid out in building the workhouse."

The noble Lord might shake his head, but to this he would be forced; down the houses must come; money to support the present system would not be paid by the people. In the Fermoy Union it was resolved, that in the business detail of the union, the commissioners were guilty of gross errors, in which they persisted, in despite of strong and repeated remonstrances from the guardians. They gave a positive pledge, that the expense of the union workhouse should not exceed 4,900*l.*, in direct breach of which they immediately after demanded 7,800*l.*, and ultimately saddled the union with a debt of 7,100*l.*; and it was resolved, that even the short experience had of the working of the measure clearly proved that the calculations of the commissioners had been made on false principles; for the relief afforded had fallen as far short of their promises as their expenditure had exceeded their estimates. Lord Mountcashel said—

> "The commissioners had proved by their conduct in various places, as well as in that union, that no confidence could be placed in them. They gave pledges they did not hesitate to violate—no reliance could be placed on a word their assistant-commissioner said; he had lost all credit with the Poor-law guardians—no trust or credit was placed in him by them."

This speech was received with great cheering. It might be supposed, that the opinions he had quoted were confined to Ireland, and proceeded from persons smarting under the fatal effects of this measure; but it was found, that the same opinions were held by the cool and dispassionate judgment of the more reflecting portion of the United Kingdom. In an article on mendicancy in the last number of the *Edinburgh Review* the following statement appeared:—

> "It is impossible to deny that in this matter the rate-payers of Ireland have been treated with injustice. They have been induced, on false pretences, to erect workhouses and levy rates. They were told by all who in Parliament brought forward or supported the law, that it was to be a measure of economy. The same doctrine was repeated to them by the commissioners, by the assistant-commissioners —in short, by all who recommended or even defended the measure. If this statement is found to be only partially true in any of the unions, and wholly unfounded in the great majority; if the rates are in general a mere addition to the alms; if mendicancy is in general altered only by the substitution of a new crowd of beggars, can we wonder that the law should become odious, or that the collection of rates should be opposed by tumult, or by the more effectual machinery of passive resistance?"

The anticipations of Mr. Nicholls with respect to the effect of this law had proved as fallacious as his calculations were inaccurate. It had actually increased the evils it was to have alleviated. For instance, a great increase of employment was to have followed the introduction of the Poor-law; in order that the rate-payers should not have the expense of supporting able-bodied paupers in the workhouse, it would be their interest to give general and permanent employment. The farmers, on the contrary, alleged that the imposition of poor-rates had rendered them unable to give the same extent of employment they formerly did. Instead of increasing, they had reduced the number of their labourers, and otherwise diminished their expenditure; and if, by employment they did keep from the poorhouse some of the able-bodied, no apparent diminution of rates would follow. The electoral divisions from which there was not a single pauper, were almost as heavily taxed as the others. The expense was in the system. He found, by a paper lately laid on the Table of the House, for the half-year ending September, 1841, that in the Union of Celbridge, out of a total expenditure of 1,146*l.*, but 97*l.* 11*s.* 5*d.* went to the maintenance and clothing of the poor, 1*d.* in the 1*s.*; in the union of Dunshaughlin, of 1,305*l.*, but 132*l.*, being about 1½*d.* in the 1*s.*; in the union of Rathkeale, out of 969*l.*, but 86*l.* 16*s.*, about 1*d.* in the 1*s.*; in the union of Bambridge, out of 1,160*l.*, but 182*l.* was appropriated to the poor. In the half-year ending March, 1842, he found that, in the union of Boyle, out of a total expenditure of 1,298*l.*, but 69*l.* was appropriated to the poor; in Gorey, out of 1,454*l.*, 58*l.* 9*s.* 6*d.*; in Kilkeel, out of 846*l.*, but 101*l.*; and in Sligo, out of 1,829*l.*, but 169*l.* went to the maintenance and clothing of the poor. He was aware that establishment charges were greater for the first than for the succeeding half-years; but even taking the average of all the years, from their formation to the present time, they were out of all proportion too great. The total expenditure of the Celbridge union, from its formation up to September, 1842, was 2,624*l.* 11*s.* 11*d.*, whilst, during the same period, there had been laid out on clothing and maintenance for the paupers 797*l.* 17*s.*, being about 3½*d.* in the 1*s.*; in the union of Rathkeale it amounted to 5*d.*; in Dunshaughlin, 4*d.* and a small fraction; Banbridge, 3¾*d.*; Boyle, 3½*d.*; Gorey, about 2¾*d.*; Kilkeel, 2½*d.*; Sligo, 3¼*d.* There was but little exaggeration in the assertion, that under the present system, 10*d.* in every 1*s.* went for superintending the making of two-pennyworth of porridge. In place of healing, it was more likely, particularly by the amended bill before the House, to widen the breach between landlord and tenant; in place of relieving, it had materially added to the burthens of the landholder. Ireland was unable to support her poor in addition to the present system, both of which, if this law were persevered with, she would be compelled to do; and whether satisfaction and tranquillity had, as predicted, followed in its train, let the petitions presented to that House—let the risings at Farney—let the artillery sent to Waterford—let the blood spilt at Skibbereen, answer. As usual, the promises of ameliorating measures for Ireland remained unfulfilled. Where were the extensive measures for encouraging the reclamation of waste lands—for the promotion of public works, with which the Poor-law was to be accompanied, and on the effect of which Mr. Nicholls so sanguinely dwelt? In place of them appeared this bill of the noble Lord the Secretary for Ireland, to strengthen and perpetuate the noxious powers of the commissioners. In them the public had no confidence. It would, as was well stated, probably be unreasonable to expect from them any admission calculated to call in question their discretion and accuracy, or throw a doubt on the perfection of a system which, though it had neither afforded relief nor satisfaction to the Irish people, placed them in possession of splendid salaries and unlimited power. He objected generally to the bill of the noble Lord, the Secretary for Ireland, because it neither altered the principle nor changed the management of the existing law; because it sought to extend the power of the commissioners by abolishing the few popular checks which were permitted to remain in the original bill. He also objected to it, because he thought he could discover through its provisions an insidious attack on the franchise of the Irish boroughs. The 10*l.* householder was to be exempted from the payment of rate—a good foundation hereafter to exclude him from the franchise as a pauper. At first sight it might be supposed that placing the rates under 4*l.* on the landlord would be attended with beneficial effects to the people; but what was it but giving a facility to the Government to collect an obnoxious tax they were now unable to obtain, and making the landlords of Ireland their tools for so doing? It was clear this provision was not intended to benefit the small holder; it was confined to the tenant-at-will; it was only applicable to those cases where the landlord had the immediate power to reimburse himself by an increased rent; and it was, in his opinion, more likely to prove injurious to the small holder, by making it the interest of the landlord to continue a system already too prevalent in Ireland—that of consolidating the smaller tenements. It appeared to him, for the reasons he had stated, that this provision could not prove advantageous to the people. But was it not possible to discover some other motives beside the public benefit which might have induced its framers to insert it in the bill. It was generally believed, that the occupiers under 5*l.* in Ireland were very much under the guidance of their clergy. By the Poor-law act the clergy were excluded from the boards; but it was said by the supporters of the Government, that this exclusion was of little avail, for the nominees of the clergy were the persons elected by the small occupiers. By the exclusion of this class, the boards would be rendered less popular and more aristocratic, and this was the key which revealed to them the secret motives of the framer of this clause. He objected to the increase of the number of *ex officio* guardians. The boards were already too large and this provision would destroy even the semblance of popular control amongst them. He now came to the clause which the noble Lord had intimated his intention to abandon—that of placing persons dismissed by the commissioners either for differing in opinion with them, or for not obeying their mandates with sufficient alacrity, in the same class with those convicted of felony. They could guess how it would be used in the case of the Edenderry guardians, and in the affair of Martha M'Keon. This was a species of Dogberry law, certainly without a precedent in modern times. "What," says the worthy constable, "accuse the magistrates?—flat burglary. Let him be committed." "What," said the noble Lord, "anger the commissioners?—flat felony. Let him be incapable of serving the public for five years." He was glad that the noble Lord had, on consideration, abandoned this monstrous provision; but its introduction into the bill by the commissioners must be regarded as an insult to the Irish people. He had attentively considered the bill of the noble Lord, and regarding it as a measure which did not remedy one existing evil, but, on the contrary, gave additional grievances to complain of, he moved that it be read a second time that day six months.

Mr. *S. Crawford* seconded the motion. He felt himself compelled to oppose the second reading of this bill, and he did so with reluctance, because he was sure the noble Lord the Secretary for Ireland would not willingly introduce a measure calculated to produce such injurious effects as the measure now before the House. He (Mr. Crawford), however, traced the bill to the Poor-law Commissioners, because it was a bill designed and intended to increase and establish more firmly the arbitrary powers of that body. Such being his views, he felt himself imperatively called upon to second the motion of the hon. Member for Roscommon. He should not go over the ground over which the hon. Member for Roscommon had passed, because he knew that at that hour the House was naturally impatient, especially on entering into a discussion upon Irish affairs, but for this discussion he asked hon. Members not connected with Ireland not to blame them. Why, he begged to ask, had a bill of such importance as this been brought forward at such an advanced hour of the evening? But having been brought on, there was no reason why those deeply interested in it should be precluded from discussing its objects and provisions. With respect to those provisions, in the first place he objected to the seventh clause, which altered the original provisions of the existing law with regard to the taxation of the landlords. The noble Lord stated that the valuations were too low, and he admitted they might not be correct, but he asked why those valuations ought not to be made upon just and accurate principles. He further complained that the increased number of *ex officio* guardians was calculated to stifle popular control. This was contrary to popular liberty, and such a proposition he felt must and ought to be resisted *in limine*. He objected further to clause nineteen of the bill, which enabled the commissioners not to allow new guardians to be elected in the place of those who might be removed. To this and to clause twenty he objected, because they gave increased power to the commissioners. Already there was a determination on the part of the landlords to drive the people of Ireland to emigration, and the power to tax for the purpose of emigration was much too dangerous to be invested in any board of guardians so constituted. Let the House look at the third report of the Commissioners of Poor-law Inquiry, and let the House act upon it in the present scheme of legislation. That report was so plain and so strong in its terms that he would, with the permission of the House, read a few extracts from it. The Commissioners of Poor-law Inquiry in their third report stated—

> "Our conviction is, that the ablebodied in general and their families would endure any misery rather than make a workhouse their domicile. We see that the labouring classes are eager for work, that work is not for them, and that they are therefore, and not from any fault of their own, in permanent want. As, then, actual relief is required by the able-bodied in general in Ireland, the workhouse system, as applied to them, must prove illusory; and if it were established, we are persuaded that it would be regarded by the bulk of the population as a stratagem for debarring them of that right of employment and support with which the law professed to invest them. We are persuaded, if want should send some of the labouring class into them, that the strict discipline, separation of families, and so forth, would produce resistance; that tumults would ensue, and that after much trouble, expense, and mischief, the system would necessarily be abandoned altogether. We cannot, therefore, recommend the present workhouse system of England as at all suited to Ireland."

They then showed reasons why, in their opinion, it would be impracticable and injudicious to attempt to force out-door employment by means of a poor-rate; but they said,

> "We are satisfied that enactments calculated to promote the improvement of the country, and so to extend the demand for free and profitable labour, should make essential parts of any law for ameliorating the condition of the poor."

The commissioners stated that no Poor-law could be available to relieve the distress of the people, without some other measures being brought forward for the relief of the poor. They must look to improving the law between landlord and tenant, which was the great source of the evils in Ireland. He advised the Government to prepare measures for improving the condition of the people, instead of relying on any such measure as this for affording relief. He felt himself bound to vote against the measure.

The *Attorney-General* for Ireland said he was sorry to see that the bill was met by such a feeling of disrespect, and even hostility, as had been evinced by hon. Members from Ireland on this occasion. He must deny that any insult was intended to Ireland by bringing forward the present bill at the hour of ten o'clock at night—a circumstance which had been so strongly commented on; for, during his own short experience, he had known—and he would appeal to hon. Members of far more lengthened experience in confirmation of his assertion—that many most important English measures had been introduced and discussed at an hour as late, and in some instances at a later hour of the night. The hon. Member for Roscommon had referred to reports which had been laid before that House, connected with the improvement of Ireland, and had asked why none of the suggestions contained in these reports had been acted upon. It appeared that these reports extended over a period from 1820 to 1835, and he would ask the hon. Member how was it that during all the time the late Government was in office, when Members were returned from Ireland who had the ear of that Government, and exercised some control over its measures, that no propositions founded upon them had been brought forward? The hon. Member said the Poor-law measure of the Government was totally unsuited to the habits and feelings of the people of Ireland. That might be a very good reason for repealing the act, but it could be no ground for endeavouring to defeat the bill brought forward by his noble Friend for remedying the existing defects. With regard to the clause which provided for a revision of the valuation, if the House would permit him he would show the absolute necessity of such a step in consequence of the small amount of the assessment made upon the smaller class of tenements. In the union of Ballina there were twenty-six tenements rated at $\frac{1}{4}$*d.*, 628 tenements rated at $\frac{1}{2}$*d.*, eight at $\frac{3}{4}$*d.*, 1,402 at 1*d.*, 122 at 1$\frac{1}{4}$*d.*, 460 at 1$\frac{1}{2}$*d.*, seventeen at 1$\frac{3}{4}$*d.*, and 222 at 2*d.*, making a total of 2,983 tenements. paying 13*l.* 10*s.* 8*d.*, of which the expense of collection amounted to 4*l.* 18*s.* In the unions of Ballinrobe, Castlebar, and Westport, a vast number of those rated were rated under 2*d.*, and some were paying rates varying from one-eighth to seven-eights of a penny. In Tuam union the aggregate amount of rate paid by 400 tenements produced a sum of about 2*l.* In the Athlone union there were 366 tenements at 1$\frac{1}{4}$*d.*each, which produced 1*l.* 18*s.* 1$\frac{1}{2}$*d.* He had taken several unions containing 5,352 persons, in which the entire amount of rates was 27*l.* 5*s.* 5*d.* It was said by the hon. Gentleman opposite that we should affect the franchise in some incomprehensible way by relieving these small ratepayers from the rates. Perhaps that might be so, if the contemplated motion of the hon. Member for Rochdale, for the extension of the franchise, were carried; in the present state of the law, however, he could not understand how relieving these poor people of the burthen of the rates could have an effect on the franchise. The House had been told that the English Members would not listen to an Irish case; but that charge was without foundation in this instance, for at no period of any English debate had the hon. Member, he was quite sure, ever observed greater attention or greater silence in the House. He did not wish to detain them; but he hoped the House would allow him to go into one or two matters of fact, which were much better than declamation on such a subject. In the four unions of Enniscorthy, Celbridge, Gorey, and Baltinglass, there were 27,806 persons rated; of these there were 8,797 whose valuation did not exceed 2*l.*, and 13,816 whose valuation did not exceed 5*l.*; but what he was most desirous of calling the attention of the House to was, the statements of some of the collectors showing the amount of misery which had arisen from extracting these small sums from persons who were in reality themselves fit objects for relief in the workhouses. Edward Fay collector for three divisions in the county of Wicklow, stated that,

> "He had forty-five summonses at the last Blessington sessions, some of them for 5*d.*, many for 1*s.*, including arrears of former rates. The parties appeared, and some of them stated, that if he would go to their homes he would not find so much as would raise 5*d.* Some of them offered to pay the present rate, but said they could not pay the arrears, as they had nothing to pay with, and some of them had not had a breakfast that day. The magistrate, Mr. Hornidge, advised him to take anything he could get, and he did so. He received about 30*s.* from the whole of them, and he paid 17*s.* 6*d.* for the summonses —nobody could believe the state of distress they were in unless they saw it. Many of their houses had nothing on which he could distrain; some were in such a state that he could not find the heart to go into them. Was out yesterday the whole of the day, and all he could get amongst the poor was 6*d.* Most of this class were worse off than those in the workhouse. At Cross-keys yesterday found five families under one roof; they asked how he had the conscience to ask them for the rate; and said that he should rather make interest to get them into the workhouse."

One poor woman had tendered 6*d.* out of a rate of 1*s.* 3*d.*, and that sum the collector had received from the wretched widow, she assuring him that she would pay the remaining 9*d.* at the same time telling him that it would be better for him to take 6*d.* than, lest when he called again she should not have even that sum to pay him. Mr. J. Donohoe, collector in the Clonegal electoral division said :—

> He had 186 names of rate-payers some were under 1*l.* net annual value, and none of them exceeded 5*l.* Many, from their great poverty, were unable to pay anything. He, however, tried every means in his power to collect the rates; he seized their wearing apparel, bedding, &c., but got no purchasers. He resigned his situation with very great pleasure, finding it impossible to collect such small sums."

Robert Hopkins, late collector, stated that in one district of the Shillelagh union he had to apply to 134 ratepayers, their net annual value commencing at 10*s.* and not exceeding 5*l.* In some cases he seized on the poor people's blanket, quilt, metal pot, &c., but he could get no one to buy them. In the end, all his exertions to collect from these poor people were ineffectual. He became most unpopular in the country, and he felt obliged to resign his situation. Other collectors, in consequence of their inability to collect the rates, and of the expense and unpopularity to which they were subjected in their endeavours to do their duty, had been obliged to resign their situations. He could, if time allowed. produce a variety of similar cases, to show the misery and destitution that were occasioned by the attempt to exact these small sums. Now, he must say, that in his opinion those persons must be destitute of all feeling for the poor of Ireland who refused to apply a remedy, and relieve the misery of those people. It was not fair to state that a bill having such an object as this, among others, was introduced from secret motives, and he must say that his noble Friend would have been guilty of a dereliction of duty if he had hesitated a moment about applying a remedy to such a state of things. The only question was whether this was the proper remedy? Now, there were two courses which might have been adopted. Either they might exonerate the tenant occupiers below a certain sum from payment of the rate altogether, or they might exonerate the occupier and throw the rate upon the landlord. Now, the first plan would have led, in his opinion, to a great increase of small holdings in Ireland, at a rent under the amount which would have fallen outside the exoneration. It would, moreover, if carried to its full extent — and that to a very great extent it would be carried, there was no reason from past experience to doubt — tend to deprive the unions of any means of providing for the poor at all. He thought that, under all those circumstances, if the poor holders of those small tenements were to be relieved from the burthen which had been described by those most intimate with their condition as cruelly oppressive and even unsupportable—and destitute of feeling must those be who would deny those poor occupiers relief—the alternative which her Majesty's Government had adopted, was indisputably the course better in respect of policy and humanity, and in point of fact the only practicable mode of extending the relief so loudly called for. The right hon. and learned Gentleman concluded by saying, that he was ready to prove in committee that every clause of the bill was an improvement upon the present law; and, therefore, he hoped the hon. Member for Roscommon would not press his motion.

Mr. *W. S. O'Brien* said, he was not prepared to give his sanction to this bill, because he believed it would be no improvement upon the present law. One of his chief objections to the measure was, that it would have the effect of diminishing popular control, by the alteration intended to be made in the number of guardians. In the second place, the general feeling in Ireland was, that the commissioners had already too much power, and that this measure extended it. If the Government would refer the bill to a select committee after the second reading, he would support it in this stage.

Mr. *Shaw* would make but a very few observations on that stage of the measure. The House, he was persuaded, would not refuse a second reading to a bill brought forward by her Majesty's Government for the amendment of the Irish Poor-law, and although there were parts of the amended bill to which he objected, and amendments omitted which he thought should be introduced—as the committee would be the proper occasion for discussing those points—he would not dwell upon them then. His hon. Friend the

Member for Roscommon in opposing the second reading, had spoken with his usual liveliness and good temper, but he must say, that the statement of his hon. Friend, as to the working of the Poor-law in Ireland, seemed to him greatly exaggerated. He was far from thinking the law perfect—he had always regarded it as a doubtful, if not a dangerous experiment, in the present condition of Ireland—he admitted it was generally unpopular—he knew it was on all sides beset with difficulty—but, it was one thing to have passed it—it was a very different thing—and he thought impossible—now, that it had been passed, to repeal it. They must then, considering its magnitude and importance, as affecting all the interests of the country, deal calmly and cautiously with the law as it existed, and not by violence and over-statements increase the difficulty and the danger by which the whole question was encompassed. His hon. Friend's greatest violence was directed against the individuals who administered the law. He had on a former occasion felt it but justice to Mr. Nicholls, the chief commissioner, to declare in that House, that making due allowance for the trying situation in which that Gentleman was placed, and the exceedingly arduous duty he had to perform—in his opinion, Mr. Nicholls had discharged the various functions which fell to his office in Ireland, with great ability, zeal, and uprightness. His hon. Friend (Mr. French) had that night asserted, in regard to one of the assistant Poor-law commissioners, that in his official dealings with the Poor-law guardians he had never spoken one word of truth. He had not the least idea to whom his hon. Friend alluded, but as he believed that the assistant commissioners were educated and respectable gentlemen, he could not but think such a statement harsh and unguarded. Then his hon. Friend included in one sweeping condemnation all the workhouses in Ireland, and affirmed that they were without exception incommodious, unhealthy, and ill regulated. That might possibly be so in some instances; but he was prepared to deny that it was in all, and could enumerate the two union workhouses in Dublin, as well as those in Cavan, Armagh, Rathdrum, and others which were cleanly, comfortable, and so well regulated, as that they would be a credit, as public establishments, to any country. His noble Friend again asserted without any qualification that mendicancy had not been suppressed, nor destitution in any degree diminished. He admitted that mendicancy still prevailed to almost the same extent as before the passing of the Poor-law Relief Bill; and he believed some separate legislation would be necessary for its gradual removal. But he denied that destitution had been in no degree relieved, for it was universally allowed that the present inmates of the work-houses, in number about 35,000, were among the most destitute in Ireland—that is, that they were generally the aged, impotent, and infirm; and while this afforded a strong argument in favour of his original view, that it would have been wiser to limit the relief in the first instance to that class—it was at the same time an answer to his noble Friend's statement, that under the present law destitution had been in no degree relieved. But, the last was the greatest of all his hon. Friend's exaggerations; it was, that a 1,000,000 of paupers would have to be supported annually by the present law. He agreed with his hon. Friend in his conclusion that, if such were the fact, it would absorb the whole rental of Ireland, or force the erasure of such a law from the statute-book; but, that such could not be the fact, was proved by another statement of his hon. Friend, made in nearly the same breath, which was, that all the work-houses, if full, would only contain about 94,000 persons; and his hon. Friend was aware that, according to the existing law in Ireland, no relief whatever could be given out of the workhouses. Surely there was no Member at either side of the House—after the statement of his hon. Friend, the Attorney-general for Ireland, as to the thousands of persons charged, under the present act, with rates varying from a farthing to twopence, could doubt that, in that respect the law required amendment. To exonerate that miserable class of rate-payers was the main and leading object of the amended bill—it could not, therefore, be reasonably refused a second reading. He hoped his hon. Friend would not persevere in dividing the House against it; and when the bill went into committee it would be open to any amendment from either side of the House. He for one thought it would require considerable amendment, both as regarded what it contained, and what was omitted. He had great doubts upon the emigration clause—and felt that an alteration was required on behalf of the property of the clergy of the established church. That was at present very unjustly taxed. His noble Friend the Secretary of Ireland had stated that the land was in general valued at too low a rate; but the tithe was rated at the utmost amount of the gross nominal sum to which the tithe-owner was entitled, and that without a single deduction. Many deductions ought in common fairness be made; but there was one so obvious, that it need only be mentioned to show the glaring injustice of not making the deduction, and that was the poor-rate itself, upon which, under the present system, the clergy had actually to pay the entire poundage. These were, however, topics more proper for the committee, and he would defer them in the hope that, without further discussion, the House would agree to the second reading of the bill.

Mr. *M. O'Ferrall* said, that if, by supporting the second reading of the bill, he should be subjecting himself to the conclusion that he was favourable to the measure in all its details, he should certainly find himself constrained to vote for the amendment of his hon. Friend the Member for Roscommon. To the bill now before the House he could not give unqualified assent. Such assent he had not given to the measure originally introduced. He had been strongly opposed to the Irish poor-law bill on its first introduction to that House, and with all his humble but strenuous efforts had sought to prevent its imposition on the country. He had then ventured to predict some evil consequences from its enactment, and he now much regretted to see that he had been too true a prophet, and that almost all those evils which he had foreseen and predicted had ensued. He must, in strict justice, say, that in his opinion the failure of the act in its very outset was attributable, not so much to the provisions of the bill itself, as to the means and management by which those provisions had been sought to be carried into practical effect. While he felt it but just to say that the larger portion of blame was, in the first instance, to be ascribed to the commissioners, he must, in fairness, admit that they had acted in the best spirit, and with the best intentions. Their inexperience, their want of acquaintance with the country, and their consequent inability to comprehend the difficulties to be encountered, and to adopt the best mode of conquering such difficulties, were much to be regretted. It was at all times very difficult to carry out a measure imposing additional burthens upon the impoverished, and therefore excitable people of Ireland. But he regretted to say that, whatever were the defects and faults of the commissioners—whatever their errors of ignorance or their faults of arbitrary bearing—the difficulties in the way of carrying out the measure had been greatly enhanced by the conduct of those who, having had ample experience, and intimate knowledge of the people, their wants and feelings, were immeasurably more to be blamed for the opposition which they had fostered and encouraged and excited. The opposition to which he alluded had a far higher source than the ignorance or poverty of the people. It was strengthened, if not originated, by the unwise and violent demeanor of men who should have been far above the course of conduct which they had in regard to this subject pursued. He must reprehend the conduct of the government in having permitted the opposition to which he referred to reach the height it had attained. When men of rank, men holding station as magistrates, and placed in the position best calculated for the exercise of influence, were observed instigating a violent opposition to the administration of the law, the Government should surely at that period, now some two or three months ago, have stepped forward and stated that such conduct on the part of such persons could not be tolerated; and it could not be supposed but that the slightest intimation from Government would have had, in the quarters alluded to, instant and salutary effect. It was much to be regretted that the commissioners had in almost every instance set at nought, the representations and wishes of the various boards of guardians—and that in cases where they had gone through the form of asking the opinions of those boards. It should be made known to gentlemen of the House not connected with Ireland, and not acquainted with the administration of the Poor-law there, that the commissioners had in many cases sent down regular and formal documents seeking from the boards of guardians their opinions, and desiring their suggestions and recommendations on the several matters therein submitted to their consideration; and that in almost all, he feared he would not err if he had said in all, such cases of formal consultation, the opinions of the guardians had been disregarded—not only their suggestions and recommendations rejected, but rejected in a manner almost contumelious. By their ill-advised and pertinacious adherence to pre-formed arrangements, they had also awakened jealousies and had in too many instances enlisted party and religious prejudices in the contests connected with the local administration of the law. They had, as regarded the admission of the public press to the meetings of the several boards, displayed an obstinate and arbitrary opposition to the wishes of the guardians, and excited no little jealousy on the subject of private consultation on matters affecting public interests and public moneys; whereas, had they pursued a less despotic and more conciliating conduct in the first instance, there could be no doubt that the guardians would, in the experience of events, have taken every desirable means of fulfilling the reasonable wishes of the commissioners themselves. Indeed, though such could not, of course, have been the wish or object of the commissioners, their whole conduct in respect to the boards of the various unions had unfortunately left the impression that they meant and resolved to treat all their wishes and opinions with sovereign contempt. As regarded the assistant-commissioners, while he frankly admitted their worth as gentlemen of education and integrity, he must say that in the great majority of instances they were not qualified to enter, with advantage to the public interests, into connexion with the various boards. They had not brought the necessary knowledge, and, in many cases, the necessary temper, for the duty of assisting in the local administration of the law. He very much feared the provisions of the present bill, from the consideration of which he would for the present abstain, did not hold forth a remedy for the evils complained of. He could earnestly wish that the boards—that is, the public who were taxed—should, either in the Privy Council or in some other court, have the right of an appeal, and a redress against the arbitrary decisions of the commissioners. He feared much, that in the bill now before the House, he could see the evil influence which had already operated so powerfully; he feared that through all its provisions he could discern the evil spirit of the Poor-law commissioners. However, from the statements which had fallen from the noble Lord and the right hon. Gentleman, he would consent to going into committee, hoping, though not with much of confidence, that in committee they might be able to modify the provisions of the bill, so as to render the measure altogether more useful and acceptable to the Irish people.

Mr. *Wyse* said, the instances of defective working in the Poor-law, brought forward by the Attorney-general for Ireland, sufficiently indicated that the time was come for an alteration. He thought, that no poor-law would be effective for either England or Ireland, but more especially Ireland, which did not first provide employment for the large mass of unemployed able-bodied poor. He should not oppose the bill going into committee.

Colonel *Acton* said, he had for many years been anxious to rescue the unfortunate and destitute hundreds and thousands of his fellow-countrymen from their long dependence on the casual charity of their fellow-countrymen — a charity too often exercised in the greatest extent by those but little removed from the state of destitution which they were called on to alleviate. He had gladly hailed the enactment of a legislative remedy for Irish distress—and he was happy to say, that, looking fairly at what had been achieved, he had not been disappointed in the expectations he had formed as to the results. He had been at great pains to ascertain the working of the measure—he had instituted personal inquiries, and through friends had extended those inquiries; and from the result he was enabled to congratulate the country on the amount of good that had been achieved. The commissioners had undoubtedly had a most arduous, harrassing, and discouraging duty to perform—they had in many instances been very severely, and as he thought, very roughly and unreasonably handled. Their difficulties had not been duly estimated—nor their exertions, with the single object of public benefit in view, sufficiently appreciated. From all he had seen, and from all he had been able to ascertain, they had accomplished all that could within the time be reasonably anticipated. Of the assistant commissioners generally he had heard most favourable mention—Of the gentleman who discharged the important duties of that office in the district with which he was connected, he could speak in the strongest terms of respect and admiration. The services of that gentleman had proved most useful, and were highly estimated by all with whom he had been placed in contact. The hon. and gallant Gentleman read a letter from the late Member for Wexford, a gentleman known, he believed, to the people and the country for the benevolence of his heart and the enlarged views which had characterised his bearing in all the relations of life. The gallant Colonel concluded by thanking the House for its favourable hearing, and by expressing his fervent hope that the bill now before the House would tend to remove any causes of irritation or complaint, and secure the blessings contemplated.

Amendment withdrawn.

Bill read a second time.

Penitentiary.] Sir *J. Graham* moved for leave to bring in a bill for the better regulating of the prison at Millbank. He presumed the House was fully aware of the report respecting the Penitentiary at Millbank which had been presented to the House in March last, which stated, that in consequence of the long periods of imprisonment to which convicts had been subjected, and the unhealthy site of the prison, some unfortunate circumstances had arisen two years ago which had induced a relaxation of discipline, which had had a very unfortunate influence; and consequently it was now found that as a Penitentiary the prison had been an entire failure. The intention of the bill he then asked leave of the House to introduce was to dissolve the present board of management, and to place the control of the prison in her Majesty, through a governor nominated by her and the inspectors. The prison was to become a common prison, to which all convicts would be brought for classification, and no one would be kept there except these sentenced to short periods of imprisonment.

Leave given. Bill brought in and read a first time.

The House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,

Monday, May 8, 1843.

Minutes. Bills. *Public.*—*Reported.*—Copyhold and Customary Tenure Act Amendment.

3a. and passed:—Exchequer Bills.

Private.—1a. Morris's or Wilkinson's Estate.

2a. Lord Gray's Estate; Stone's Estate; Bourn Drainage.

Reported.—Liverpool Gas.

3a. and passed:—Cromford and High Peak Railway; St. Helen's Water Works; London and Brighton Railway; London Cemetery; Leeds Gas; Northern and Eastern Railway.

Petitions Presented. By the Earls of Clarendon, and Radnor, from a number of places, for the Total and Immediate Repeal of all Corn and Provision Laws.—By the Earl of Radnor, from Blandford Forum, against the Income-tax.—By the Bishop of London, from Tendring Union, against the Registration of Births, etc. Act.—By the Bishop of Winchester, from Southampton, and Stoke, against the Union of the Sees of St. Asaph and Bangor.—By the Earls of Roden, and Glengall, from several places in Ireland, against the Irish Poor-law, and for the Suppression of Mendicity and Vagrancy.—From a number of places, for Church Extension.—From Crieff, and Stroud, for Free Trade.—From Chester, and Derby, for Inquiry into the Operation of the Bankruptcy Law Amendment Act, and from Boston, for Alteration of the same.

Anonymous Threats.] Lord *Brougham* begged to advert to an anonymous letter which he had received relative to a proceeding then pending in their Lordships' House (the Townshend Peerage Bill), with a view of publicly observing that those persons were very much mistaken who in this manner held out threats, in the shape of warnings, to intimidate their Lordships, if they conceived that their Lordships would thereby be deterred from the performance of their duty. He had received such a letter—a letter without a name—without any address—signed "A Warning Voice." When letters were sent in this way, it was generally supposed that they came from the party most deeply concerned; whereas, he believed that, in this case, the letter did not come from that party. Further, he wished to state, that he knew nothing of the Townshend family. Personally, he knew not one of them. He had not the least previous knowledge whatever of the circumstances until the matter was brought before the House by petition, at the instance of a noble Member of the family. He mentioned the matter to warn the parties who wrote such letters that they would involve themselves in great trouble.

Poor-Law (Ireland).] The Marquess of *Clanricarde* rose to move for a select committee to inquire into the effects of the Poor-law in Ireland. He wished that some person of more authority than he possessed had undertaken the task, or, still more, he should have wished that her Majesty's Ministers had brought forward the motion which he meant to submit to their Lordships; because, when he considered the state of things in Ireland, he could but think that the Government, when it took upon itself to propose great amendments, modifications, and alterations in the existing law, when it brought the subject before a Parliament—ought to cause a particular inquiry to be instituted, in order to enable their Lordships to legislate successfully, and in order to satisfy the people of Ireland that the law was amended only after due deliberation and examination. He felt that it was also unfortunate for his bringing the subject forward that he was one of those who had always opposed the introduction of the law; and that might, in some degree, prejudice his motion. He had, however, distinctly stated his objections to the measure at the time it was proposed; and all his objections had been realized, all his predictions had been fulfilled; and even mischief had arisen from the law which he had never foreseen. Nevertheless, he was bound to say that their Lordships stood in a perfectly different situation now, from what they stood in when there was no Poor-law. Much had been done which could not be undone. His object in moving for a committee was to show their Lordships how the law had operated, and to induce their Lordships to assent to some considerable alterations and modifications in the law, such as he thought were required, it was not his object to propose the repeal of the law, which all must admit was not now practicable. He would state to their Lordships the grounds on which he proposed the committee, and one of the chief of them was that, when the measure was proposed, it was admitted by all parties that, to carry it successfully into effect would require the cheerful co-operation and assistance of the people; but they had not willingly assisted in carrying it into effect; and, on the contrary, it had given rise to great discontent and great clamour. The universal opinion in Ireland was adverse to the law. It might be possible to point out one particular district where the law was not unpopular, but the opinion against the law was so general, that he was justified in saying that the Irish people were almost unanimously opposed to it. Let their Lordships look at the proceedings of the boards of guardians, beginning at Fermanagh and going through the centre of Ireland, to the county of Roscommon, the King's County, the Queen's County, Tipperary, Mallow, Cork, Kinsale—from the extreme north to the extreme south—the expression of opinion throughout the whole country was adverse to the law. It was the same in the west, and the same in Dublin. All the boards of guardians throughout Ireland had united in expressing an opinion that there must be extensive alterations in the law. In Dublin, where a great meeting had been held, the feeling was unanimous that the law was not suitable to the condition of the people of Ireland, and was positively mischievous. If their Lordships looked at the petitions and memorials on their Table—if they looked at the opinions expressed at public meetings—if they found boards of guardians and grand juries alike condemning it—their Lordships must see that the universal feeling was against the law; and as it was purely a law of a domestic and exclusively Irish character, this was a sufficient reason to justify their Lordships in inquiring into the operation of the law rather than to force it as it stood upon the Irish people against their wishes. The law was, he said, purely of a domestic character, and formed no part of any comprehensive or grand scheme of imperial policy. It was intended solely to benefit Ireland, and if the people said it did not benefit them, that it was not advantageous, that, instead of giving them tranquillity, it only disturbed their repose, there was *primâ facie* a good cause why their Lordships ought not to resist their demands, and why they should assent to the motion for an inquiry into its operation. He must remind their Lordships of the circumstances which led to the passing of this law. The condition of the people of Ireland had excited a great deal of attention, and the Government had appointed commissioners in 1834, to inquire into it. Of that inquiry he had highly approved: those commissioners were persons of the greatest knowledge and greatest impartiality, and well acquainted with the country. They were persons of great prudence and discretion, and their report surpassed all expectations. There was no work, he was bold to say, in all the records of Government of such deep research and such profound philosophy, clearly and ably expressed, as the report of the Irish Poor-law enquiry commissioners in 1836. The commissioners displayed great caution, and they stated that the subject was surrounded with difficulties. They recommended that a Poor-law should be only introduced by degrees. They pointed out that it would be advisable in the first place to provide for those who were from infancy, age, or sickness, wholly unable to provide for themselves; they suggested the great benefit that would arise from providing adequate employment for the people by public works, or enabling them to quit the country; they showed the benefit that would arise from such cautious proceedings, which would lead by slow and certain degrees to the introduction of a perfect Poor-law. They thought that a Poor-law could not be safely established unless the Government first of all gradually and fully developed the resources of the country and found employment for the able-bodied population. To digest and introduce their plan required time and talents. And unfortunately time was not given. The Government preferred applying to Ireland a ready-made system. A new Poor-law had been applied to England, where it was found to work well, and therefore, it was imposed on Ireland without much reflection, while every Irishman was convinced that such a law never could work well in Ireland. The Government reminded him of the stage-manager in the farce, who liking the idea of a morning gun resolved to fire three morning guns, because he thought it was not possible to have too much of a good thing: so the Government did not know when they had enough of a good thing, and they applied the English Poor-law to Ireland, because it had been useful in England. The Irish, however, had never cordially received the Poor-law. The Parliament imposed it on them to attain certain objects, but the measure had entirely failed to attain those objects. He would quote the words of the noble Lord, who had brought forward the bill in that House, and by whose influence it was passed into a law. He did not mean to quote the evidence *ad hominem*, but merely to show what were the intentions of the then Government in passing this act. The noble Viscount, who moved the second reading of the bill (Viscount Melbourne), said:—

"I think this measure will be the beginning of a system of order, and that it will introduce order in a beneficial form."

And, further on, the noble Viscount said:—

"The present measure is founded on the soundest basis, namely, conciliation, Christian love, and charity. It would form the foundation for introducing measures for the suppression of mendicancy and vagrancy. But the great advantage to which I look in this, is that the one great evil of the country, the struggle for food, will be remedied by it; that the desire which the people of the country now have for the possession of land, as the only means of subsistence, and the violent means which they take of enforcing what they conceive to be their right with regard to it, will be much lessened, if not extinguished."

Again, the gallant Duke opposite, who gave, he must admit, a reluctant support to the bill, and it would have been well, he thought, if the noble Duke had opposed it, as then it would have been thrown out —the noble Duke said:—

"I never expect more from the bill, than that it will improve the social relations of the people of Ireland, and prevent that state or degree of poverty and distress which now prevails from longer existing in that country. It will lead to better consequences, without regard to the workhouses, for the tendency will be to improve the social relations between landlord and tenant, between the occupier and the labourer of the soil."

The noble Duke alluded to other measures, and said:—

"Whether this bill be considered as an improvement or not, the measure alluded to by the noble Viscount, with reference to the suppression of mendicity and vagrancy, would be of the utmost advantage in paving the way for this bill."

His noble Friend, too, the late President of the Council, the Marquess of Lansdowne, said he—

"Trusted that no indisposition would exist to give to Ireland through the means of the bill some chance of attaining at last a state of tranquillity and repose."

Further, the noble Marquess said:—

"The bill was necessary on account of clearing of estates, which was being proceeded with too rapidly, but in others with due caution. Such a measure as this, by making a provision for the poor, would deter them from bidding as they now did for estates, and also prevent them from feeling so much discontent when ejected by their landlords."

The bill, therefore, was proposed with three objects—to insure the tranquillity of the country, to put an end to mendicancy, and to lessen the anxiety to obtain possession of land. The great and public evil of mendicancy in Ireland was well known. It was impossible to deny that a great mass of persons in that country were in a state of extreme poverty, and it was supposed that when the Poor-law was passed, that they would be relieved. The necessity of putting an end to mendicancy was in fact the great argument, the very foundation of all the arguments in favour of the bill. The number of beggars was immense, and it was said, that without a Poor-law you could not prevent begging, but that with a Poor-law, beggars and mendicity may be put an end to. The extent of this evil was depicted in the report of 1836, and was used as an argument for the Poor-law in the report of Mr. Nicholls. It was said that an enormous tax was levied on the public by vagrancy, and no person ever thought of denying, that to put an end to vagrancy was a good and sufficient reason to justify a Poor-law. A noble and learned Friend of his had said that the tax levied by the bill would undoubtedly be great, but that it would be hardly as high as the tax levied by vagrants, although that tax had been absurdly over-rated. But the expectations of putting down vagrancy by this law had not been fulfilled. In 1840, Lord Morpeth introduced into the other House of Parliament a bill to repress vagrancy; it was not spoken of as a new measure, and leave to bring in the bill was given, as if it were only carrying out conditions previously entered into. What had become of that bill he did not know; but somewhat to his surprise, when a bill was recently introduced into the other House of Parliament to amend the Poor-law, not one word was said about a measure for the suppression of vagrancy, or to put an end to mendicancy. If anything ought to attract the attention of Government, in dealing with the poor of Ireland, he should say that the means of remedying that great grievance, the mendicancy of Ireland, was the first and chief object. To show their Lordships that mendicancy had not abated, he would quote the report of the Poor-law commissioners for last year. They referred to the previous report, which showed that the subject had before engaged their attention, and they said that forty boards of guardians had expressed opinions favourable to such a measure; that was, a measure to repress mendicancy adapted to the circumstances of the country, and agreeable to the feelings of the people. But they showed that the evil of mendicancy, which the law was to put down, had been aggravated, not destroyed. They said—

"In some of the unions, after the stock of habitual {mendicants had, for the most part been taken into the workhouses, the rate-payers of particular electoral divisions, finding that the removal of what may be called their own established poor did not protect them from mendicancy, but was followed by inroads of beggars from the surrounding districts, or even from those more distant have deemed it better that their own poor should be permitted to levy contributions from house to house as heretofore, rather than that the rate-payers should incur the charge of maintaining them in the workhouses, and at the same time be compelled to make contributions to casual vagrants or mendicant strangers by whom their doors were beset. This circumstance is particularly referred to in two reports of Mr. Clements on the audit of the Londonderry and Omagh unions respectively, in the appendix; and the prevalence of such a feeling has been exemplified in occurrences in the Kilmallock union, where the rate-payers of a certain electoral division came in a body to the workhouse, and demanded to have their poor delivered up to them, which was accordingly done, and they were carried back with great demonstrations of rejoicing, to be supported by almsgiving in the accustomed mode. The rate-payers in this case no doubt expected that when they had their own beggars about them, they would be protected from the inroads of beggars from other districts to which they were liable, so long as their own habitual stock were maintained in the workhouse."

He could state, too, from his own knowledge; that there were as many mendicants as ever. The local dispersion of vagrants which had taken place when the Poor-law was first established in particulr places, had only occurred from a mistake with respect to the law. The vagrants and mendicants had a notion when the Poor-law itself would have contained clauses preventing mendicancy; and accordingly, when the workhouses were opened, they ran away from the neighbourhood; but they afterwards found out that they had made a mistake. A few mendicants, it was true, had been received into the workhouses, but those cases were exceptions. The benefit resulting from the law was absurdly small in proportion to the expense; and as to putting an end to mendicancy, the law was a complete failure. If there were no other ground on which he could ask their Lordships to grant him a committee, he had showed sufficient reason, he thought, when he proved that the law had completely failed to remedy that one great evil, why their Lordships should accede to his motion. Another object with which the law was passed, was to prevent a desire in the people to get possession of the land, which amongst the Irish was immoderate. That desire led them to promise high rents, which it was impossible for them to pay, and when the landlords exacted what they had promised, or attempted to remove them from the land, it gave rise to those numerous complaints and to those melancholy scenes, of which their Lordships had frequently heard. He was aware that this was a delicate subject, particularly just now, and it was not one on which he would enter into any details on that occasion. He would merely state that if they looked to districts which had obtained a notoriety for disturbances, they would find that there never was a greater amount of fearful crimes committed within the same space of time, directly connected with the possession of the land, than had been committed since the passing of the Poor-law. Their Lordships had heard of the doctrine of fixity of tenure—a term most shamefully and grossly misapplied, but it would be conceded that there was hardly ever a period when the minds of the poor orders in Ireland were in a less satisfactory state with respect to the possession of land than at the present moment. The Poor-law, then, on this head had also been a failure. Then, how far had it succeeded in producing tranquillity and repose, the third object which also introduced it, promised as it should effect? Why, it had notoriously created disturbances wherever it was introduced. In the first place, though the election of guardians had taken place with less disturbance and more satisfactorily than he had anticipated, yet there had been in some places considerable local agitation on the subject; and the reason why disturbance and agitation had not been greater, was the discretion and prudence of the clergy, particularly the Protestant clergy. It was an expressed wish at the time of the passing of the law, that the clergy should take no part in carrying out the bill, and, above all, should not meddle in the elections under it. He must say, that the Protestant clergy had behaved wisely and discreetly in acting in conformity with this expressed wish; and, generally, the Catholic clergy had done the same. But that of itself was a strong argument against the measure, as one of conciliation and charity. Of what nature must a measure of charity be which excluded the ministers of religion from all participation in its execution? That these elections of boards of guardians had not always been tranquilly or satisfactorily conducted, he had a right to assume, from the amendments announced by the Government. By one of them the number of *ex officio* guardians, that was to say, magistrate guardians, was to be increased, possibly—he did not say necessarily—to one-half, and by another amendment, the constituent body was diminished. He was not saying that these amendments were bad, but that they were proposed, showed that the elections had not worked well, and that the people had not joined in carrying out this conciliatory measure, as it had been called, to the degree which had been expected. But all this was trifling compared with the open resistancce to the law of the land which had occurred. He would refer to some cases which would show that these cases of resistance were not casual, and that the excitement was not merely local, and originating accidentally in the indiscretion of an officer; but that this was the fixed feeling of the country, not only in the lower orders, but in classes above them. Some of these cases had occurred since he gave notice of this motion, and they would forcibly illustrate his position. In a communication to one of the journals, dated Dublin, April 26, there was this account of the practical operation of the Poor-law, taken from the *Limerick Reporter*:—

> "Yesterday, Mr. O'Connor, collector of rates for the south suburb ward, whilst engaged in serving notices at Drumbawnes, was set upon and most unmercifully beaten. His books and papers were taken from him and destroyed, and his life would have been forfeited on the occasion had it not been for the interference of some woman, who afforded him protection."

Again,—

> "At the weekly meeting of the Dungarvan board of guardians, Messrs. Walters and Greene, the collectors, stated that they did not receive a farthing from farmers, although they had asked several; that there was the most determined passive resistance all through the union against paying, and it was wholly out of the question that they could collect; that they would not become pig-drivers, and tendered their resignation. As to civil bill decrees, they would be waste paper, for it would cost ten times as much as the amounts to put each decree in force; and as to summoning, that also was of no use, as the magistrates had only a power of granting warrants against the goods, which the rate-payers well knew, and they had their field gates locked. (The collectors, after a great deal to do, were induced not to resign till next board day, and in the meantime the commissioners would be apprised of their determination.) They also stated that Mr. Michael O'Brien, one of the elected guardians present, refused to pay. Mr. O'Brien said he was appointed by the people as guardian to protect their purses, and not to give a bad example, as the Poor Relief Bill was of no use whatever except giving large salaries to

the commissioners and the assistant-commissioners, but would pauperize the country; that he was determined never to pay; and he had stock in his fields, the gates of which were well locked, and that the collector was welcome to take them if he could do so; that the declaration of the rate was premature, and forced on the people. The guardians all declared that it would be impossible to enforce the rate, as it was well known that the farmers had all their gates locked, so that no distress could be legally made, and as to pigs, it was quite idle to distrain them. The union was in debt over 1,200*l.*, although the house was not yet opened, and to their clerk there were three years salary due, while Mr. O'Donoghue, for doing nothing, had received 8,000*l.* since the act came into operation. The guardians directed that printed notices should be served on each rate-payer, stating the amount for which the person was rated, and the collector would call on some day named in such notice, not sooner than a month, for payment; and, if not then paid, to serve the regular six days' notice, previous to issuing summonses, and the board to be at the expense of such notices. The collectors said they were sure no person could be had to serve them; it would be dangerous for any person to go into the country about the poor-rates. Mr. O'Donoghue, the mandamus assistant-commissioner, was not in attendance, and Mr. Uniacke said, as he had nothing whatever to do, he should be obliged to serve these notices and go out with the collectors, and do some little matter to earn his large salary, for it was ridiculous to suppose that the country would be paying assistant-commissioners going about at the public expense in carriages, and who were of no use or ornament, except threatening mandamuses against guardians. Mr. Usher said, it would be well to postpone the collection of the rate till harvest, as the people had no money now, and the farmers were very poor in consequence of the low prices of agricultural produce. The board adjourned for a month, saying they hoped the act would be shortly repealed."

There was the following account of a "Second Day's campaign in Gualtier," in the *Waterford Chronicle*:—

"The troops marched on the devoted district at the early hour of three o'clock on Wednesday morning, led on by Dr. Fitzgerald and his trustworthy benchman, Mr. Thomas Pinkerton, of the South Dublin union. The forces mustered about three hundred strong, accompanied with a park of flying artillery. At Rathwhelan they seized four heifers, and at Ballymacaw took a draught mare belonging to a respected citizen of Waterford, Mr. Patrick Kelly, who intimated to the collector that by calling at his residence in the city the demand would be paid. Such a proceeding, it appears, would have been considered over courteous, and, therefore, the law was permitted to take its course. The slumbers of Pat-Taylor, a publican, at Ballymacaw, were disturbed by pulling the bed from under his side. Two feather beds, with their appurtenances, were here captured, and consigned to the care of the artillery, who, in self-defence, were obliged to fire some blank discharges in the endeavour to repel the attacks made upon them by a numerous party of 'light horse' lurking in the ambuscade of Ballymacaw blanketing. However, Dr. Fitzgerald very judiciously remedied the partial disorder occasioned to the troops by this novel mode of warfare, by taking the beds under his own protection, and that of the Abbeyside police, who were better used to do battle with this description of flying artillery. An old dung-cart was also borne off in triumph here from some poor man, whose name has not reached us. Patrick Taylor was taken into custody for applying some not very complimentary epithets to the doctor. A man named Cullinane, a tenant of Sir H. W. Barron's, was also made prisoner for culling some flowers of rhetoric on the occasion. A servant man of Cullinane's had the audacity to tell the doctor and the collector, even at the cannon's mouth, that their graves would soon be dug for them, whereupon he was rushed at by the police and captured. The three prisoners were brought into town handcuffed, and consigned to the care of the county gaoler, with directions from the doctor, as we are told, that they should not be fed too high. Thus ended the foray for this day of our Lord."

The following, it was said in a local paper, might be considered as the result of the invasion of the barony of Gaultier:—

"The campaign here has turned out a complete failure; only 49*l.* 19*s.* has been collected by Mr. T. Pickering from landlords, at an expense of at least 1,000*l.* to the country. Fourteen actions are about to be commenced for illegal distraint against the stipendiary magistrate, who has resolved not to distrain pigs or poultry in future. The people will not pay till their cattle are impounded; and it will take at least seven years to collect the rate due in this district alone. They cannot distrain before sunrise, nor after sunset; nor can they remove goods so seized out of the barony. The sooner this beggarly civil war is given up the better for the peace of the country. It is reported that Mr. O'Donoghue, the *mandamus* assistant-commissioner, has been discharged; if so, it will give very general satisfaction. The whole of the commissioners should be dismissed; nothing wlll satisfy the public."

Now, though the Pacha of Damascus might find it very regular and proper to collect his taxes by the aid of military forces, and encamp, as he occasionally had done, with an army, under the walls of Jerusalem, for this purpose, such a method of proceeding was altogether out of place and intolerable in Great Britain and Ireland. But was there any justice in the Poor-law bill, or had its enactments, been carried into operation by the commissioners in a way that showed that the people's feelings against it were without justification? Let their Lordships look at the manner in which the country had been imposed on as regarded the estimates. Their Lordships had been told by those who supported the bill, that Mr. Nicholls's calculations could be sustained and carried out, those calculations being, that Ireland required eighty poorhouses, that those poorhouses would give shelter to 800,000 paupers, and that the entire estimate would not exceed 700,000*l.* But in May last year, Mr. Nicholl applied to the Chancellor of the Exchequer for a further loan, and gave in a schedule, by which it appeared, that in the unions which had then been formed alone the cost in this respect would be 1,150,000*l.* In fact, the disproportion between the estimate and actual cost was so great, that it was a prevalent opinion in Ireland, that it was not the intention of the Government to enforce the payment of the advances that had been made. If their Lordships would grant him a committee he would show that these causes of complaint against the Poor-law Bill in Ireland were not isolated, but very general, and were well-founded. He would mention a few cases in illustration of this, and would take first, the report published by the board of guardians of the Clogheen union, in March last past. They stated, among other things, that—

> "In the estimate which had been submitted to this board, on which the application for the first loan was grounded, the cost of fittings and other works, not provided for by the contract, was put down at 500*l.*, and that the account for these works amounted to more than three times that sum—namely, 1,525*l.* 13*s.* 11*d.*, not including 79*l.* 12*s.* paid for ironmongery."

In another part of the report they complained of one item,—

> "For ninety-one perches of a useless ditch, at 4*s.* per perch."

And again,—

> "For cut stone in eight mullion windows and two towers, 145*l.* 10*s.* 4*d.*; and for setting ditto, extra sashes, 17*l.* 16*s.*"

So that it seemed upwards of 160*l.* was spent merely to please the taste of the Poor-law commissioners' architect. This was no inconsiderable sum to be so expended, when their Lordships bore in mind that the Mendicity Association of Dublin relieved persons at a rate that amounted to little more than 4*l.* a year each. Considering that Clogheen was in the centre of Ireland, where labour and provisions were as cheap as in any other part of the country, and seeing the amount of mendicancy and poverty that might therefore have been relieved by this sum of 145*l.*, it was not surprising that the indignation of the board of guardians should have been excited. It was in fact, a striking proof of the feeling with which the law was regarded, not merely by the working classes, but by boards of guardians and persons of that class, that the report from whence he borrowed this illustration, which was full of similar complaints, and which wound up with a strong remonstrance, had been printed by the board at the expense of the poor-rate, in large placards, and 200 of them posted up in all directions for the people to read, certainly no very obvious indication, that the law had operated as a measure of conciliation. Nay, at the end of their report, the board used these very words:—

> "It appears to us that, by the act of Parliament, this board is left little discretion in the case, and that it is imperative on us to provide whatever funds the Poor-law commissioners may choose thus to squander, however deeply we may regret the oversight of the Legislature in investing them with such unconstitutional powers."

Again, take the case of the Fermoy union. There the architect, who had given in, in the first instance, an estimate of 2,225*l.* for altering the barracks into a workhouse, immediately, upon the remonstrance of the board of guardians, lowered that estimate to 1,500*l.*, and the assistant-commissioner pledged himself that the reduced sum should not be exceeded. What would their Lordships think of a person who, having first asked them 2,250*l.* for performing a specific piece of work, immediately upon their remonstrating against so large a demand, dropped his estimate to 1,500*l.*—a reduction of 750*l.*? What a very pretty sum he would have made, would the employer say, by the first contract, if I had assented to it! Well might Mr. Nicholls, when the case came before him, and it was necessary for him to do something in it, say,—

> "This is an ugly affair, and just calculated to make a stir in Parliament, in Lord Mountcashell's hands. It is unfortunate that it has been allowed to get to such a head."

And so Mr. Voules was ordered to—

> "Make a point of attending on Saturday, and endeavouring to satisfy the guardians, who

had got angry at the manner in which they had been treated."

This was a perfectly fair example of the way in which the bill operated. The assistant-commissioner was to attend, not to inquire or see how the estimate could be reduced, but "to satisfy the guardians." Mr. Nicholls's concern was not that imposition or anything wrong had been done, not that sufficient accommodation was provided for the poor, but that it was an "ugly affair, calculated to make a stir in Parliament." With regard to the workhouse test, he must observe, that the diet of the workhouses was decidedly better than that of respectable labouring men and small farmers who kept themselves out of the workhouse. Their Lordships should inquire into this in time, because if they once brought the Irish poor to the state to which the law had at one time brought the English poor, and created a disposition amongst them to lean upon the workhouse and rate-payers for relief, they would find it a very difficult matter to alter. He wished their Lordships likewise to turn their attention to the effects of the present law upon the moral feelings of the people. The workhouses were not workhouses in the common acceptation of the term, but as yet had been chiefly used as hospitals and boarding-schools. This they were never intended to be. He would first observe, that a great number of women of the worst description went into those houses, while suffering from disease, and, as they could not be prevented from mingling with the young adult females, it was found that in many instances they had corrupted the minds of those young persons, who, when recovered from their illness, they had seduced from the paths of morality. But he wished their Lordships to consider the effects of this law upon the moral and social relations of the people in a more extended form. He would assert, that there was not on the face of the earth a people more warm in their domestic affections, or more faithful, upright, and virtuous in all their domestic relations, than the Irish people; and yet, to such a people was it, by this law, that they held out temptations calculated to destroy all such feelings. Those who had attended to the operation of the law, must have seen that it held out strong temptations to the husband to forsake his wife and family, and to the wife to forsake her children. He defied the guardians to prevent it. A man went away perhaps with the connivance of his wife and family. The wife could not then be relieved without taking the whole family into the workhouse. The husband might be 100 miles away. If a warrant were issued for his apprehension, and that he were apprehended and thrown into prison, it would be at the public expense, and when in gaol he would not be much worse off than in the workhouse. Those cases of desertion were very common in consequence of the advantages which they held out. The children in such cases who were taken to the poorhouse, received an education quite as good as any farmers' children could get, those poorhouses being in connexion with the national system of education, while they enjoyed the additional advantage of being boarded. Supposing a man to go abroad or to a distant country, see what a temptations he had never to come back; see what a temptation was held out to him to commit bigamy or permanently to desert his children. Such temptations, he maintained, must weaken the moral feelings of the people. One of their evil results was already beginning to be felt in this way, that the authorities knew not what to do with deserted children who had been educated, in the workhouses, on their attaining nine or ten years of age. They could read and write but they knew nothing of the world, and the question was, were they to remain paupers for life, or were they to be turned out upon the world? He had heard it said that persons ought to be hired to teach them trades; but was it to be expected that the inmates of those houses which were intended for the relief of paupers should be better educated than the children of the industrious farmers and labourers of the country? or that persons who had never been out of the workhouse could set up in those trades? If their Lordships did not take great care, it would soon be very difficult to remedy those evils. If they would grant him a committee, he would show them that a frightful amount of mortality existed amongst the infant children of rural districts supported under the Poor-law. It was notorious, too, that the cost of infant children in the workhouses was double what it would be if they were kept in private houses. Again, looking at the districts generally, the charges for the establishment, compared with the charges for the paupers, were enormous. According to a document put forward by the Government, the expenditure on the poor for the half year ending September, 1841, in the unions of Celbridge, Dunshaughlin, Rathkeale, and Banbridge, was as follows:—In Celbridge, the total expenditure for the half-year ending September, 1841, was 1,146*l.*; the expenditure in the direct maintenance of the poor being 97*l.* 11*s.* 5*d.* out of that sum. In Dunshaughlin, the total amount was 1,305*l.*, the direct maintenance of the poor being 132*l.* out of that sum; in Rathkeale the total amount was 969*l.*, the latter 86*l.* 16*s.*; in Banbridge, the former amount was 1,160*l.*, the latter being 182*l.* That part of the law which divided the unions into electoral divisions well illustrated and exposed to the people the absurd and monstrous proportion of the expenditure incurred by the officers and establishments. Within his own knowledge, the charge on one of those electoral divisions was 96*l.*, although the paupers sent from it did not cost the union 16*l.* In another instance, the district had to pay 82*l.*, the cost for the paupers coming from it being only 16*l.* In the King's County there was positively one district where the union called upon the electoral division to pay 124*l.*, although that division had not sent one pauper or cost the union 1*s.* The report of the Kilmallock Union stated, that the rate-payers of a certain electoral division went in a body to the poorhouse and demanded their poor, whom, when given up to them, they carried back amidst demonstrations of joy, declaring that they would support them by voluntary contributions rather than bear the expenses to which they were subjected on account of the establishment. He did not, however, rest his motion on details, and would not trouble their Lordships with any more. It was an indisputable fact, that the present Poor-law for Ireland had given rise to clamour, discontent, and disturbance, and he implored their Lordships not to set at naught that public opinion which had been so very strongly and clearly expressed upon the subject. He conceived it would be wiser to endeavour to direct, and guide, but not directly to oppose the public mind, and not hastily to do what they might consider right, but to show that they had arrived at the conclusion of what was right after mature consideration and examination of facts. He thought it his duty not to conceal from their Lordships the painful conviction he entertained that there was a strong and growing opinion in Ireland that with the conduct of the Imperial Parliament upon matters like this, exclusively Irish and of an entirely domestic nature, the Irish people had good reason not to be satisfied. He alluded to no association, to no particular party, and to no exclusive class of persons; but he had with sorrow learned—indeed he believed he ought to say it was within his knowledge—that honest intelligent men, in respectable positions, men of sober views, of moderate political feelings, and of different political parties, did doubt whether the Imperial Parliament deliberated and legislated in the best possible spirit and temper, upon matters that were exclusively Irish—did doubt whether the opinions of Members of either or both Houses of Parliament met with sufficient attention on the subject of Irish affairs, and did doubt whether the wants of Ireland were sufficiently understood, or the feelings or opinions of the Irish people sufficiently thought of, cared for, or sought after by the Imperial Parliament. He therefore implored their Lordships not, by proceeding precipitately or obstinately in any particular line of legislation, to strengthen and extend this feeling. For himself, though no alarmist, he must say, that if Parliament persisted in forcing on the people of Ireland measures repugnant to all their feelings and all their wishes, they would be committing, not merely an act of oppression, but an act fraught, as it seemed to him, with much danger. They might depend upon it, that in a matter like this, if the feeling of the people was unanimously against you, the result of endeavouring to enforce this law must be disastrous. If the House granted a committee, and if he did not succeed in proving that the working of the bill had been unsuccessful, then they should take steps to establish it on a more sure foundation; but if, on the other hand, he succeeded in proving that the bill had failed, and had imposed on the people grievous burthens, without any commensurate benefit, he trusted the House would not hesitate to make such alteration and change in the law as the nature of the case called for, and which was necessary for the advantage of all classes of the community. The noble Marquess concluded with moving for the appointment of a select committee to inquire into the Poor-law in Ireland.

The Archbishop of *Dublin* said, it might be expected that he should not give a silent vote upon this particular subject, and if he felt doubtful as to the accuracy of the representations of the noble Marquess, he should still support his motion for a committee, for if the facts were not as he had stated, they were believed to be so. He was, indeed, convinced that the noble

Lord's representations were thoroughly borne out by the facts, but even if there was the least suspicion that they were well founded, it was neither just to the Irish people, nor wise or safe to refuse inquiry, the suspicion should be crushed. He had thought the bill objectionable at first, and his opinion had been confirmed by experience. It was alleged, that the Poor-law inquiry commissioners were prejudiced against it, but not prejudiced in any other sense. It was said, that they objected to it because it was not theirs, it would be more correct to say, that it was not theirs, because they objected to it. For it cannot be supposed that the plan did not occur to them. Nothing would appear more obvious than the application of English reformed Poor-law to Ireland, especially as he was familiar with it both before and after it was reformed. He had, however, objected to the measure, but his objections had not been listened to, and he thought the measure had been too hastily adopted. On all subjects there is likely to be a difference of opinion between those who pay little attention, and those who pay much attention to a subject, but this is a case in which there is a great difference of opinion between those who have paid much attention to the matter, and those who have paid much more. The measures which, after considerable attention were found most plausible, were found on more full inquiry and consideration to be inapplicable, so that the commissioners felt themselves in the condition of Simonides, who, when he had three days to consider a question, asked at the expiration of the three for six more. Though he was the last person in the empire to justify resistance to the poor-rate, he could not but lament that the Legislature of the United empire should have passed a law which was so unpopular in every part of the country among high and low, rich and poor Roman Catholic and Protestant. Having travelled over a great part of the country, he could say from his own experience that mendicity had increased since the passing of the bill. He could not say how that happened, but the cause would come out in the committee. But when he saw that the collections at the churches fell off, and that the sources of private charity were dried up, owing to the poor-rate, it must be obvious that mendicity must have increased. For instance, the Mendicity Institution in Dublin which used to maintain upwards of 1,000, does not now support many more than 100. The number of those not absolutely mendicants, but in great distress for want of employment in the populous village near Dublin, where he resides, is greatly increased through the withdrawal of funds which used to be subscribed for providing them employment even to a greater amount than the poor-rate. Under these circumstances, if there were even a doubt of the validity of the arguments against the bill, it was not wise, humane, or safe to cast aside the proposition for a committee and say, "We will see how the patient will be at the end of a twelvemonth." Agitation and alarm did exist in Ireland against a measure which the people regarded as not devised for the joint benefit of the whole empire, but for Ireland alone. It is common for demagogues to dwell on the defects of the laws, and for legislators to inculcate the duty of submission; but he was inclined to reverse this procedure—to inculcate in addressing the people the duty of submission, and on legislators the duty of making the laws reasonable. They had legislated for Ireland, it should be remembered as a child is governed by its parents, or a person of weak intellects by its guardians without its own consent. He did not say, that this should never be done, but that we incur a heavier responsibility when this is done for a portion of the United Kingdom, especially a portion that has once been a separate kingdom. The repeal agitation had been dying away when this measure had revived it, and it was one of the most popular topics which a demagogue could employ. Let their Lordships show that they were not apathetic towards the interests of Ireland, and at least not tell the people that they would not attend to their complaints.

The Duke of *Wellington* would not attempt to follow either the noble Marquess or the most rev. Prelate through the details of their speeches, both of which appeared to him to have been made in defence of the report which had been drawn up on this subject by the most rev. Prelate. The noble Marquess now proposed to appoint a committee of that House to inquire into the propositions laid down in that report, and to find whether the measures to be introduced for the amendment of the law were in conformity with the recommendations of that report. He perfectly well recollected that this measure passed with greater unanimity through both Houses of Parliament than almost any important measure which he recollected. With the exception of a party in the other House, to which it did not pay any great attention—he meant the Repeal party—he believed the bill passed with pretty general concurrence. He did not mean to say that the bill had worked in every particular in such a satisfactory manner as not to call for some alteration or amendment. He knew that complaints had been made of the conduct of the commissioners, and an investigation had taken place at the Bar of that House as to the proceedings of those who had the administration of that act, and he felt bound to admit, that it did not appear that the conduct of those persons in the administration of the act had been perfectly satisfactory. It was perfectly true, as had been stated by the noble Marquess, that the measure had not been productive of perfect satisfaction as regarded the putting down mendicity in Ireland. He admitted also that the Government were not at the present moment prepared with a measure to put down mendicity; for he believed that this could not be successfully done, until the Poor-law Act was in operation in every part of the country. It was only very lately, indeed, that any steps could be taken to place the poor under its operation throughout the country. The noble Marquess and the most rev. Prelate both declared that the law was generally complained of in Ireland. He had been informed by noble Lords, and by a relative of his own only yesterday, that the feeling was in favour of an amendment of the law, and not in favour of its total repeal. There had been a bill introduced into the other House, which had been read a second time, to amend this law; and he would not now pretend to enter into an explanation as to what were the enactments of that bill. He knew, however, that one part of it, which had been fully discussed, in the other House, went to relieve the lower orders of people from the expense attending the carrying this measure into execution. When the most rev. Prelate complained of the increase of mendicity in Ireland, he (the Duke of Wellington) would ask, whether it was not fair to impute some of this increase of mendicity, of which he complained, to the circumstance of their levying poor-rates on these poorer classes of persons? Now, one of the objects of this bill was to relieve all this class of persons from the payment of rates. As to the complaints of the noble Marquess of the conduct of the commissioners towards the guardians, he would suggest, if the noble Marquess wished to make some legal provision to increase the power of the boards of guardians, that the most convenient course would be to propose an amendment to that effect when the bill came regularly under discussion, and was in committee. In that stage of the bill, it would be the duty of the House to adopt any amendment which it thought calculated to improve the execution of the law. The noble Marquess proposed that there should be an examination before a committee, and this taking place while the bill was under discussion in Parliament, would necessarily be attended with inconvenience. The noble Marquess and the most rev. Prelate both went for the total repeal of the bill, or the alteration of the whole system, and as this was clearly their object he could not recommend the House to assent to such an inquiry. At this period of the Session, also, they had not time for inquiry before such a committee as this; and as they would have the amended Poor-law Bill before them in the course of, probably, a fortnight, he earnestly urged the House not to adopt the proposition of the noble Marquess, but to give its best consideration to the measure when it came before the House, and they could then make such amendments in it, as would rectify some of the errors now found in the working of the law. The noble Marquess, also, had called for the production of an immense mass of returns, and this to such an extent that he had been informed that they could hardly be prepared in the course of the Session. He, therefore, would ask the noble Marquess whether he could go through committee without these being before him? He would not allude at any length to what had been said by the noble Marquess and the most rev. Prelate as to a feeling existing that the Legislature did not do justice to Irish subjects which came before it. Now, all that he would say was, that he had taken part in the discussions on this bill, and he never recollected a measure being more calmly or attentively considered by all parties in the House, and he must say, that until recent complaint had been made of agitation in Ireland, he had never heard of that agitation being caused by the defective administration of this bill. Under these circumstances he should feel it to be his duty to oppose the motion.

The Earl of *Glengall* said, that in his opinion, it would be found that there were not ten persons out of the eight millions which the population of Ireland numbered, who approved of the mode in which the Irish Poor-law had been worked out. There were disagreements on the principle of the law, on the application of it to Ireland, and on the working out; but it was a fact, that all parties in Ireland were discontented, with the small exception, as regarded the population, of those who had received an immediate benefit from its administration, and the still smaller exception of those who in the administration of the law had derived official emolument. Nor was this to be wondered at, when it was remembered that their Lordships had consented, after a deliberation of not more than three months, to apply to Ireland a law familiar to England from an experience of three centuries. That law had been applied, notwithstanding the urgent representations and remonstrances of many of the most intelligent and anxious friends of the country—it had been applied without due reflection that the social relations of the country in which the new application was to be made, were totally different, particularly those affecting the occupation of land, from those existing in the country from which the law was borrowed. It was a law borrowed from England and applied to Ireland, where the dissimilarity was great in language, in habits, and in religion, without any proper allowance made for those dissimilarities. Had these matters been duly considered, many of the evils which had followed the introduction of the measure into Ireland might have been obviated. He must say, in justice to the late Government, and in justice to the original bill, that the measure had been based on principles to which in the abstract he could not refuse assent, but that that bill, whatever its merits or demerits, had not had in its first application, nor in its subsequent operation, fair play. Without entering into all the details of administration, or adverting to all the errors committed, he would venture to request their Lordships' attention to a very few instances of mismanagement, for he would not use a harsher word. In the first place, when the measure was about to be brought into operation, a deception had been practised, not, he must say, intentionally—for of wilful deception he most unequivocally acquitted the parties concerned—but still, practically, a deception had been used to lessen the odium and mitigate the opposition with which the measure had been viewed. He freely allowed that in introducing such a measure it was a matter of extreme difficulty to avoid exaggeration, but it was not to be wondered at, that those who had been taught by repeated assertions, and apparently authoritative and well-grounded references, to conclude that the burthen of new taxation would reach only to a certain named amount, should feel disappointed and sore when called on to pay amounts far beyond those which they had been instructed to consider as the utmost to which they should be liable. It should be remembered that at the period of the first introduction of the act as a substantive and practical measure, assistant Poor-law commissioners had travelled round the country from one extremity to the other—had convened public meetings, and at those meetings so convened by themselves had stated, with every apparent authority, and manifestly with the view of conciliating the public mind, that the burthen to be imposed would not amount to more than *5d.* in the pound. He would repeat that he totally acquitted the Gentlemen to whom he referred, of wilful misrepresentation; but the facts were undenied and undeniable, that at public meetings specially convened in all quarters of the country, the assistant commissioners had made the positive assurance that the Poor-law rate would be not more than *5d.* in the pound. How had it turned out? How had those apparently authoritative assertions been borne out? In every instance those promises and anticipations had been found deceptive—the rate had in no case, of which he could learn anything been so low as 10*d.* in the pound, and in very many instances, if not in most, it had averaged 2*s.* 6*d.* in the pound on the valuation. That was misstatement or deception the first. Then, again, there was a mistaken step taken which had a very serious effect on the working of the law, and could not be considered otherwise than as having a very serious influence on the present state of things in Ireland. The commissioners, or rather the commissioner, at an early moment seemed to have anticipated opposition, dreaded that it would commence simultaneously with the imposition and collection of a poor-rate. To neutralise that opposition from the quarter then dreaded, some plan was to be devised, and it would seem that the commissioners or commissioner had struck out a plan, by which the whole patronage and influence conferred by the measure was conveyed to certain parties. He would always take care to avoid attributing positively to either parties or individuals, acts not falling under his own cognizance. He would, therefore, in reference to this particular part of the subject now under consideration, content himself with saying, that patronage appeared to have been thrown into the hands of certain parties, with the view of neutralising the opposition which was feared, and which from those parties would have been instrumental. What was the result? The patronage created by the bill was almost wholly placed in the hands of those who had influence, at least temporary influence, among the lower classes. Those parties at first gave their adhesion to the law; but having by that adhesion, in the first instance, lost much of their popularity, they had recently awakened to the loss; and for the purpose of regaining their forfeited position, for the purpose of restoring themselves to that place of confidence and popularity, which had been lost or endangered by their previous adhesion to a measure which the lower classes had found to be deceptive and burthensome, those very persons had avowed open and unmitigated hostility to the law as it exists, and were daily adding fuel to the fire of opposition. Another point worthy of observation was this—the measure had been recommended to the Legislature as being more a measure of English protection, than of Irish improvement—and to some extent the argument had been received, that it would be a boon to the English agriculturist, inasmuch as it would prevent or check the emigration into this country of the agricultural labourers of Ireland. In this, too, there had been a mis-statement, a misconception—he was unwilling to call it a deception. The very contrary of the alleged benefit to the English agriculturist had been the actual result. In place of checking the influx into England of Irish agricultural labourers, the provisions of the bill had had the very contrary effect, for now the peasant was induced to pass over to England by the circumstance, that a provision against want was certain to be found in the poorhouse for his wife and children during his own absence in England; and this he must deem one of the most unfortunate attendant circumstances of the measure, that it held forth temptation to abandon wife and children to the mercy of a poorhouse. Another circumstance or consideration which enforced itself on attention, was that the prestige and character which should have attended a board invested with such powers, and filling such a position as that of the Irish Poor-law commission, had been forfeited by the partisan way in which the administration had been carried out, and which had been to some degree exposed at the Bar of that House some two or three years ago. Having alluded to the inquiry at that time pending, he could not permit one circumstance of a very peculiar character to pass by unheeded: that was, the dismissal from office under the Irish commissioners, of a young gentleman who had appeared at the Bar of that House; he alluded to the case of the young man named Armstrong, who had, at the Bar, given testimony so creditably straightforward, and in a manner so honourable to himself, and so irrespective of other consequences than the ascertainment of truth—the dismissal of that young man from office under the Irish commission, had followed his giving that creditable evidence. He would not trust himself to say how trumpery were the charges which were subsequently brought forward against that young man. There was not a single newspaper in Ireland which had reported the particulars of those trumpery charges; and of those charges he would fearlessly say, that they were the most trumpery he had ever heard of, as having been brought forward against any officer of a public body, or against any individual. Mr. Armstong had been dismissed. He had given straightforward manly testimony, at the Bar o. their Lordships' House, his dimissal shortly after followed. It was, perhaps, strange —no, not strange, but, of a surety, it was worthy of observation, that of the persons then in office, under the Irish Poor-law commission, who had given evidence at their Lordships' bar, not a single indivividual was now in the same position, in the same place or office, as he had been at the time of his giving that evidence—not a single one now held the same position that he held at that time. This was strange—was it not suspicious? Again, what may be called a deception had been permitted, if not used, as regarded the amount stated to be necessary for making the preliminary steps to workhouse reception. The sum already expended had exceeded 1,300,000*l.*, whereas the estimate of outlay had been 700,000*l.* That was in itself a just cause of complaint, but it would probably be found more serious, when it was considered by noble Lords, not residents in Ireland, that this large sum came in the first instance from the public purse, and that it may be counted as one of the burthens which had subjected their Lordships to the visitation of the Income-tax. To English peers and to the English public, which paid the Income-tax, he would say, that they suffered more by this law than did the Irish landowners or people. The habits and strong moralities, as well as attachments of the poor Irish labourer, were assailed by the temptations of this law. The workhouses were fast becoming mere boarding-houses and foundling hospitals. The practice was growing up of men getting their wives and families into the workhouses, then running off to England there to contend with the already struggling English peasant for work. Here was a subject which would necessarily take up much of the time of the committee, should the House be disposed to give its assent to the motion of the noble Marquess. With the noble Mover he would ask, what was to become of those numbers of children now consigned to workhouses in Ireland—of those fast-increasing numbers, which the broken-down morals and subdued habits of the people were throwing into those great hospitals? Were they to be educated—were they to be taught trades?—educated and trade-instructed at the cost of those who, struggling to maintain an humble independency, were wholly unable to educate or instruct their own children in trades? Here was matter for deep reflection. On that subject he would not now dwell. The number of inmates in the workhouses he found enumerated altogether at 37,000. When the yet unfurnished houses should be thrown open, the number of inmates would probably be, in the aggregate some 70,000 or 80,000. With the additional numbers, additional expenditure must give rise to additional discontent. He was sorry—he was almost ashamed to say, that many of the unions were already bankrupt—others on the verge of bankruptcy. Many workhouses, erected at enormous expense, were found to be ill-built—to have cost far more than the original estimates. Some were described, by reports which could not admit of suspicion, as remaining in a very rough unfinished state, the walls unplastered, without fire-places. In many instances it was alleged that the houses were in want of water, and had no supply except that which, in the shape of rain, came to them through holes in the roofs and through windows. In some cases the contracts had been broken—in some, the contractors themselves had been broken. Not to delay the House, he must say, that that which had been alledged by himself and other noble Lords who had originally opposed the bill, was daily being manifested, that the workhouse system was wholly unsuited to the country—that the test was inapplicable, and the attempt to apply it hazardous—and that it never should have been adopted, was now a problem demonstrated. The report of Mr. Blake and the other commissioners appointed by the late Government strongly condemned the application of the workhouse system to Ireland. That system he thought would everyday develop more disastrous consequences. He would suggest to the consideration of the House the system adopted by the old houses of industry in Ireland, in which ample provision had been made for infirmity and decrepitude. To abolish or to abandon altogether the present poor-houses could not now be thought of; but he believed it perfectly possible to adopt some plan by which those now burthensome and odious establishments might be converted into really useful institutions—into houses of industry on an enlarged, improved, and more widely beneficial system. Another suggestion might be permitted to throw out. The vast outlay of 1,300,000*l.*, already incurred, was felt grievously by the country. To the re-payment of that sum the country was bound, within a limited time. On that re-payment the Irish public felt naturally sore; he thought then that it would not be unwise nor unreasonable to extend the period of re-payment, and instead of compelling that re-payment by instalments within twenty years, to extend the payment over some forty or fifty years. That, he felt, would be extremely desirable, and noble Lords would concur with him, when they remembered how very difficult it was to collect the present rate. He had before alluded to the effects of partizanship as having marred the best efforts of those who sought to carry out in an honest spirit the provisions of the law. It had now become his duty to show how politics also had largely contributed to the same effect. He would confine himself to a single instance—that instance indicative of feelings and practices which too widely prevailed. In Waterford, the new corporation question had arrived as an incentive to party feeling, just at the time when union business had awakened attention. In Ireland it was universally known, for he believed no one would be found to dispute it, that these new corporations were the greatest nuisance existed, or that probably could exist. They were, perhaps, a greater nuisance than the poor-law itself, and of their united pestiferous effects there could be no greater proofs than the facts which he was about briefly to relate. It was deemed by certain poor-law guardians of the union of Waterford of the greatest importance, whether, from individual interest or political anxiety, that they or certain of their friends should be elected to the new corporation of that city. The House was aware that the franchise, the municipal power of election, emanated from the poor-law and was based upon the poor-rate. A political party among the guardians wished the co-operation of a certain district, known to be favourable to that party, in securing the desired returns to the municipal offices. Therefore, before the workhouse was open — before the system was in actual operation—those guardians declared a rate, and thereby secured their own purposes. Subsequently, when that poor-rate came to be collected it was resisted as an illegal rate. The opposition to the collection had assumed the most positive and stubborn shape. Police, cavalry, and infantry had, as noble Lords knew, been brought forth in all imposing array, to collect that rate and all had signally failed. That it was impossible to collect the rate in that district was now acknowledged; nay, what small portion of it had been collected, was now considered to have been illegally levied, and legal actions had been instituted for recovery of the sums so paid. There was another point intimately connected with the practical workings of this law, on which he was afraid, under the present aspect of affairs to touch. He feared to glance even at the tendency of this law to depopulate districts—to cause the removal of tenants. Much blame had been ascribed, much odium cast on Irish landlords. He would not now dwell on such a subject further than to say, that too often hard language was used without any clear idea of who were to be considered landlords in Ireland, or that confusion of words should not lead to confusion of ideas. Who were landlords in Ireland? If every man who let lands or houses were to be so called, then almost every man in Ireland was a landlord. Letting and sub-letting had been long going on, but the operations of this lw would render it desirable for a very small occupier to get rid of his poor neighbour if possible. He was afraid to further allude to the present state of things in Ireland. It was wholly impossible for him—it was wholly impossible for the house, to shut their eyes to the circumstances of that country. It was perfectly clear that the poor-rates could not by any effort be collected there. But, while noble Lords sat here discussing the subject of poor-laws, vast masses in Ireland were debating, not about poor-laws, or depopulation, but about the very dismemberment of the empire. If those vast assemblies were permitted of tens and hundreds of thousands—if it were allowed to excite the hostility against this country of a whole population he could not trust himself to predict the consequences. It was true, the respectability of Ireland was opposed to the present wild agitation — the respectable Protestant, the respectable Catholic, the respectable Dissenter, the wise and intelligent of all classes, were wearied with and opposed to that unseemly and perilous agitation; but now was not a time to lend strength to those who misled the masses—now was not a time to refuse the consideration and removal of acknowledged and proved grievances.

The Earl of *Wicklow* was not surprised that this subject should have been brought before the House by his noble Friend opposite, when he recollected the manly and independent manner that noble Lord had opposed the Poor-law measure on its introduction by the Government to which he was then attached. It was quite consistent and quite to be expected that his noble Friend should now be anxious to call attention to the working of a measure from which he had predicted no good, and to the enactment of which he had been strenuously opposed. He had himself been anything but a warm supporter of that measure on its introduction—he had felt very serious apprehensions as to its results, but he had felt it his duty to give it most patient and forbearing consideration, when brought up to that House. When the bill for the enactment of a poor-law for Ireland had, upon most matured deliberation, passed the other House of Parliament, he had not felt justified in rejecting a measure so recommended to his adoption, but he had lent his aid to render that enactment as little mischievous as possible. It was most mischievous and most hazardous in the late Government to introduce such a measure, uncalled for by the people of Ireland; but having brought themselves to the determination that it was desirable, they in the first instance adopted a most judicious course. They named a commission, the individual members of which were well and most estimably known—persons whose ability, experience and integrity imparted the greatest weight to their consultations. On that commission was his most rev. Friend (the Archbishop of Dublin), and his most worthy friend, the Roman Catholic Archbishop of Dublin. That commission sat for a considerable time; they investigated the subject in all its bearings—and delivered their almost unanimous judgment, to the effect that the English Poor-law system was not suited to the wants, the feelings, and the circumstances of Ireland. The late Government—disregarding, most unaccountably rejecting, that deliberate opinion of their own selected commission—determined that the system should be adopted, and so determined on the authority and recommendation of a gentleman, for whom he entertained, and had reason to entertain, the greatest respect—a gentleman who had certainly devoted, with the greatest possible benefit to the public of which the measure was susceptible, every energy of his mind to the subject; but, he must add, a gentleman who, notwithstanding all his merits, was totally unfit to pronounce positively on the fitness of the system, from his total ignorance of the country to which it was proposed to be applied. However, that measure did become the law, and that law their Lordships were now called on to submit again to the ordeal of a sifting deliberation. Notwithstanding all the statements and all the experience which had been laid before the House, he thought it would be most injudicious now to grant the committee asked for by the noble Marquess. For, under present circumstances, to go into committee would be tantamount, in public estimation, to telling the people of Ireland that the Poor-law should thenceforth cease to exist. That would not be a correct inference; but it would be admitted, that it would be the inference sure to be drawn under present circumstances. Would the House be justified in coming to such a conclusion, or in giving ground for such? He thought not. It was true there was much opposition to the working of the measure in Ireland. He admitted, that the opposition might be said to be very prevalent, but it was far from being universal. There were many places in which it was working well: that he had ascertained from minute inquiry. When first the subject was introduced, he had had many and strong misgivings—he had doubted that the machinery could be found in Ireland to carry the enactment into practical effect. He felt pleased that his misgivings had been removed—that his anticipations had been disappointed. There was not a single union in Ireland in which there was not readily found competent machinery for the working of the system. He had, previous to the passing of the bill, feared that it would have been found difficult to find persons to act as guardians. The very contrary had been the case; and putting aside for the present other considerations, it could not be denied that most competent machinery was to be found, and was at work in every union. The unpopularity of the measure had been of recent origin. There was, no doubt, very great objection in many districts to the payment of the rates. That objection originated in many causes. First, the rates at the commencement, or rather at the opening of the workhouse, were particularly heavy in each union, not because they would have in the first case to pay back a portion of the expenditure for erection, though that, too, would contribute to increase the burthen—but because the first outlay for necessary furniture and clothing would fall on the early period of rate-paying. His noble Friend had alluded to another source of the prevailing discontent, which was, that all electoral districts were called on to pay, though some sent no paupers to the workhouse. But his noble Friend had quite forgotten to state that the purchase of the furniture and other necessaries, was that which caused the call on those electoral districts not now sending poor, but for the contingency of whose sending them provision was thus, of course, made. Those expenses, it should be remembered, were not of a nature to continue—they must cease, and with the cessation of the demand must also be removed some portion of the discontent. Another circumstance of which the House could not lose sight, was, that the greatest distress prevailed from the reduced prices of agricultural produce—distress so great, that numbers were literally unable to pay any contribution. With respect to the opposition to the rate prevalent in that part of the country with which his noble Friend (Lord Glengall) was so intimate, and the accounts from which attracted their attention in the daily papers, he was glad to hear his noble Friend state that the opposition arose not from hostility to the measure itself, but from the illegality of a particular rate, or particular proceeding. If the rate had been illegally struck, and was sought to be illegally levied, he thought repugnance to pay it was perfectly natural, and should not be deemed any proof of animosity to the system, or held as a specimen of the general working of the law. There were many other reasons for the present opposition to the rate, to which he would not refer at present—those would suggest themselves to the House. But if the House felt that there was nothing in the working of the measure which contravened the purposes of its enactment—if there was found no just cause of complaint against the system as a whole, he did think they were not called on to take so decided a step as that of going into committee—a step which must eventually destroy all confidence in the stability of the measure, and create a general impression that the House was about to abandon a law deliberately enacted—to abandon it before it had received a fair trial. In allusion to the amendments in the measure which had been introduced in the other House, his noble Friend opposite seemed to object to the increase of the number of ex-officio guardians, on the ground that it was thereby intended to diminish the degree of popular control.

The Marquess of *Clanricarde* begged to set his noble Friend right as to his observations. He had not said that such was the intention of the contemplated increase of ex-officio guardians, nor that such would be in reality the effect; but that an impression to that effect existed, and that in the present great and general discontent, that opinion was likely to be difficult to remove.

The Earl of *Wicklow* certainly that was not the intention or object of the alteration; on the contrary, it had been considered that, as the ex-officio guardians were to be elected solely out of the magistracy, and by the magistrates themselves, and the great majority of those holding the commission of the peace being Conservatives in politics, it would be an improvement to enlarge the number, with the view of admitting the minority to a due share in the administration of the law. By that increase greater scope would be given in the election. In some places the effect of this would be that it would not be necessary for the magistrates to hold any election, for the whole body of the resident magistrates would be included in the fixed number. He (Lord Wicklow) regretted that there was any election at all among the magistrates; he thought it extremely objectionable, as affording grounds for jealousies, and for entertaining the idea that, for political opinions certain magistrates were elected or passed over. Another amendment, introduced by his noble Friend the Chief Secretary for Ireland, was one which could not fail to make the law more generally acceptable to the great mass of the population: it was that clause which went to relieve all persons in occupation of tenements valued at or under 4*l.* or 5*l.* from payment of the rate. A clause to that effect had existed in the original bill, when it was submitted to this House some two or three years ago. He much regretted that the late Government had yielded to the alteration then made in that provision; and he deemed this at least hard, that blame should have been attached to Mr. Nicholls for a provision which was not his, but directly contrary to his suggestion; for he had at that time proposed to exempt from payment of the rate all persons occupying premises valued at and under 5*l.* He believed, that if that clause had been permitted to pass, the House would not have heard of the opposition of the Irish people to the Poor-law. He believed that opposition proceeded principally from the lower classes—at all events that it owed all its strength to their discontent. For what could be hoped but discontent from a measure which sought to drag, in the name of relief for the poor, a 1*d.* or 1½*d.*

from the truly poor man, who with difficulty earned for a family *6d.* or *7d.* a-day! How could it be expected that such poor persons would be otherwise than discontented, and opposed to the payment of any rate? His noble Friend opposite and others had complained that the measure contained no provision for the suppression of mendicancy. It was quite true that that was one of the expectations held forth, on the original introduction of the measure—it was one of the inducements extended to secure the passing of the bill. It was also true that no remedy or relief had as yet been provided for this mendicancy. But he did not blame the late Government that they did not adopt a provision to that effect as part of the measure. It would have been very hard to have adopted such a restriction on the poor when as yet they had no other resource. Until the whole measure should have been brought into its full effect he felt it would be harsh and unjust to deny the poor their usual resource of appeal to individual benevolence. But when all should have been matured, he believed then it would be the duty of her Majesty's Government and of Parliament to suppress mendicancy, not when as yet only a certain number of poor-houses were open—when those which were open could admit only a certain number of inmates—and when no out-door relief was the law. At any time, and at all events, it must be conceded that a provision to suppress mendicancy must be extended only to those to whom poor-house relief is offered, and by whom it is rejected. He trusted, that ere long such a provision would be introduced, and would be found most beneficial. His noble Friend opposite had concluded his speech by an appeal of a good deal of pathos, and the serious tone in which it was delivered certainly attracted very much the attention of the House, and the noble Lord said that reflecting men, men of sense, men of substance, men of all parties, were considering that an union in legislation was not, on the whole, the best for the management of Irish affairs. Now, he must say, he should be sorry to think that there was any considerable body of men in Ireland who did seriously reflect in that way, and he believed that if they were really men of sense, and reflecting men, they could not hope that if they had an Irish legislature which would lend itself to the passions that now prevailed in Ireland, results beneficial to that country would follow. Could any man suppose that an Irish parliament would ever attend to such men as those? The establishment of such a system of legislation as would then be adopted could only lead to their degradation; the force by which alone that establishment could be carried, could not contribute to the advancement of the general interests of the country. In fact, he did not believe that any great body of reflecting men had ever joined those who were engaged in agitating these opinions; but he did believe, that it was the duty of Government to watch well and closely all such persons, and show that they had a determination not to suffer such deeds and such language to pass with impunity.

The Earl of *Mountcashel* said, he had heard with great satisfaction the statements put forward by the noble Marquess who had brought the subject under their Lordships' notice, and he had to bear his testimony to the ability with which he had treated it. Although the case made out by the noble Marquess was amply sufficient to warrant their Lordships in acceding to the motion, yet he could not help rising to add one or two additional reasons why he thought the House was bound to grant the inquiry. As a Poor-law guardian, he could speak of his own knowledge of the abuses which prevailed in the administration of the Poor-law in Ireland. He would pass over the assertions of the Poor-law commissioners, as to the probable expense of setting the machinery in motion, assertions which had the effect not merely of beguiling that House, but also of beguiling the people of Ireland. It seldom happened that the Irish people were united in opinion upon any one subject, and when such an event occurred their Lordships would not act wisely in setting up their own opinions in opposition to the expressed and unanimous opinion of a whole people. Looking at Ireland just now, we find Whig, Tory, and Radical—Protestant, Roman Catholic, and Presbyterian—all united in condemning the present Poor-law Act. In carrying out the provisions of the law, the Poor-law commissioners acted without any fixed principle; consequently great injustice was perpetrated. He did not wish to weary the House by going at length into details; but there were a few facts not alluded to by the noble Marquess opposite, which he felt it necessary to bring under their Lordships' consideration. The following extraordinary results occurred, according to official documents on the Table of the House:

Unions.	Population.	Net Rental.	Number of Paupers.
		£.	
Cork	158,339	403,029	1,583
Fermoy	85,005	157,395	850
Clonmel	37,094	90,299	370
Waterford	79,664	202,977	736
Limerick	139,264	241,999	1,392
Lisburn	72,201	131,975	722
Rathdown	39,933	164,473	399

The result of this was that,

			Net Rental.	
In Cork there was	1	pauper to	£261	per year.
In Fermoy	1	ditto	185	do.
In Clonmel	1	ditto	243	do.
In Waterford	1	ditto	255	do.
In Limerick	1	ditto	173	do.
In Lisburn	1	ditto	183	do.
In Rathdown	1	ditto	411	do.

What struck him as most extraordinary was, that whilst in Limerick there was one pauper to 173*l.* of net rental, there was in Rathdown, with which the noble Earl behind him (Earl Wicklow) he believed was connected, only one to 411*l.* of net rental. He thought these statements went to prove the fact, that the Poor-law commissioners had not pursued a fair mode in administering the law; and, as it was a matter that required revision, it would form a proper subject for inquiry before the committee. Again, in the electoral divisions, great inequality prevailed. The electoral divisions in Ireland were divided not according to any settled plan, but agreeably to whim or caprice, or it may be—(he did not like to use a harsh term) according to the favoritism of the Poor-law commissioners. In the electoral division of Fermoy, which was his union and which extends two miles from the town in one direction, while on the west side it ends close to the town—many of the holders of town fields, which pay a high rent, do not contribute a fair proportion to the poor-rate. In the union of Fermoy the last rate was 1*s.* 5½*d.* in the pound; whilst, in other unions, it was only 5*d.* in the pound. In consequence of this inequality, the rate-payers complained loudly, and with cause, of the unjust way in which the law operated. [The noble Earl read the following statement of the rates in different unions]:—

	s.	*d.*		*s.*	*d.*
Fermoy	1	5½	Killity	0	5
Mitchelstown	1	3	Kilgolane	0	5
Kilworth	1	0½	Marrony	0	7½
Castlelyons	0	10	Aheron	0	5
Ballyhowley	0	7½	Killdorrery	0	7½
Glanworth	0	7½	Farrahy	0	5
Templemologge	0	5	Ballynoe	0	5
Arnageehy	0	7½	Derryvilane	0	5
Knockmonone	0	7½	Kilcommer	0	5
Marshalstown	0	5	Mogeely	0	5
Castletownroche	0	7½			

The subject of this inequality in the rate was discussed by the board of guardians, and it was the unanimous opinion that, if the electoral divisions were done away with, the rate would not exceed 7¾*d.* It was put to the vote, and it was agreed to ask the Poor-law commissioners to give their assent to break up the electoral divisions. The resolution was forwarded to the Poor-law commissioners, but they said they could not consent to the alteration. [A Noble *Lord*: They had not the power.] If that were so, it was a matter that ought to be remedied, and would well deserve the notice of the committee, if granted. There was another matter, too, which, at the present juncture, ought not to be left out of consideration. In consequence of the great depreciation in the prices of agricultural produce which had recently taken place, a new valuation was absolutely necessary. The price of corn had fallen—meat had fallen; he thought it therefore unjust that matters should go on as heretofore. Tithes, he thought, required revision also. Produce was much higher when the tithe valuations were made than at present, and where such reductions take place, all parties ought to participate in them. He trusted and hoped that their Lordships would grant this committee, as he very much feared that unless Parliament showed a disposition to meet the wishes of the Irish people on this subject, it would be impossible to collect any rates at all. The opposition to their payment began in Connaught, it had spread to Waterford, and it was fast approaching to that part of the country in which he resided. It was his wish to render this law effective, but he was satisfied, that if their Lordships showed a disinclination to attend to the wishes of the people of Ireland upon this subject—the impediments to the well-working of the measure so far from being diminished, would be considerably increased, by a refusal to inquire into its practical operation. He originally opposed the measure, and had entered his protest against it on the journals of their Lordships' House. He should only trouble their Lordships by reading one of his reasons for dissenting, and, as it was a prophecy almost fulfilled, he could not better conclude the observations he felt it his duty to make, than by reading the following extract from the protest made by him at the passing of the bill:—

> "Because a measure more impolitic, and fraught with mischief, never was devised: it is enacted contrary to the wishes of all classes and denominations of the Irish people. It will meet with resistance; it will endanger the union with Great Britain; it will produce agitation and outrage, and it may ultimately lead to a rebellion."

The Marquess of *Downshire* said, that he had attended a very large meeting in Dublin a short time ago for the purpose of going into the question of the Poor-law, and it was admitted on all hands that there were many faults in the existing law which might be remedied, and the result of the meeting was, that an application should be made to the Lord Lieutenant to have the subject inquired into, and he was bound to say that his Lordship received the deputation with every respect and promised that the subject should be considered. The result of that promise, he supposed, was the bill now in another place, and which in due time would come before their Lordships. Under these circumstances, he thought it would be prudent to postpone any inquiry until the bill should be before them, and then in committee, they might go fully into the subject. He was far from thinking that their Lordships should disregard the feelings or opinions of any portion of her Majesty's subjects, and still less those of Ireland, who were disposed fairly to consider this measure. But there were others who were solely influenced by party views, and whose objects were of a sinister nature—to use the Poor-law question for purposes which every good man must reprobate. He hoped, however, the good feeling of the people would prevent them being led away by such persons to support the views of those who were not really interested in the welfare of the country. He was willing to give his noble Friend every credit for good motives in bringing on this motion for the benefit of the country; but he did not think it would be of advantage now to agree to it. He had presented a petition from Belfast against the repeal of the Poor-law, and in the prayer of that petition he fully concurred. He thought that the object of those who wished for the prosperity of Ireland and the good working of the bill, would be attained best by calm and temperate alterations, and gradual and systematic improvements.

The Marquess of *Lansdowne* agreed in many, if not all of the observations of his noble Friend near him (the Marquess of Clanricarde). He thought it would have been absurdly sanguine to be confident, when the measure was first introduced, that it would be a perfect measure. Originally he had agreed to the measure with great hesitation, if not with reluctance, because he had anticipated much of the objections that had occurred to the working of the measure, in the first instance, but he thought with others that the time during which this would be the case would speedily elapse, and that as Session after Session, representations had been made of the necessity of providing for the poor of Ireland, and taking steps for the suppression of the mendicancy which was a disgrace to the country, it was the duty of the Government to introduce this measure, which, however, let it be observed, was intended only as an experiment, and an experiment subject to review,—to try how far relief should be carried; and he must say he knew, notwithstanding the objections which had been made against the measure, and although there were defects in it as originally enacted, still he knew, that the main principle of the bill—the applying the test of in-door labour in the workhouse, as distinguished from out-door labour, was a sound principle, and one which it was the duty of Parliament, and ultimately would be for the advantage of Ireland to maintain. He was quite ready to admit that his noble Friend had made out a Parliamentary case for an inquiry, and if he had not known from the votes and proceedings of the other House of Parliament, and from the declarations of her Majesty's Government, that a bill was depending there which was calculated so far as he was informed, to make great improvement in the working of the system, he should have voted for the appointment of a committee; but, as matters stood, he could not fail to see that by carrying that motion—seeing what was the actual state of the country, and with the knowledge of what was going on in the other House—the parties which were now hesitating between resistance and obedience to the law, might be led to believe, that by throwing themselves into the side of resistance, they would be able to prevail upon the House to abrogate the law and check that course of legal proceeding which was going forward in Ireland. This it was not desirable to do, for it was the duty of the House to uphold, and, at the same time, to ameliorate the law which they themselves had passed. He thought Parliament ought, as a matter of duty, to persist in overcoming, as they well might overcome, any little resistance that might arise. Then as to the amendment—as to the contemplated alteration, which would bring back the act to its original shape, and which exempted persons with small holdings from the payment of these taxes, if taxes they could be called. This clause, as it originally stood, had been very unfortunately replaced, after some debate, by the present one, the effect of which had simply been to raise a resistance to the whole measure. Therefore he thought this was a wise alteration, if that was to be done, which he apprehended it was intended to do. It was intended, too, he apprehended, to equalize the valuation, which would close a source of infinite mischief. These were the great practical improvements contemplated. He should not go into the whole subject; or all that might perhaps be required of him. He had hoped that some attention would have been given to repress mendicancy. That had been the foundation of the bill as it was first introduced; that was the object it aimed at; that was necessary to its proper existence. Since the passing of the act he had been in various parts of Ireland, and he had heard from every side this objection taken against the measure. The argument that prevailed on discussing the measure was, that it would be unjust to suppress mendicancy by making it punishable to beg, if they did not, at the same time, afford the mendicant poor an opportunity of being relieved in a workhouse. But though this was true then, in the infancy of the measure, yet the time was come, in his opinion, when they might proceed to prohibit the mendicancy of persons who had actually had opportunities offered them of being relieved in a workhouse. He had, therefore, entertained hopes that some alterations of this kind might be intended, but at any rate he apprehended that it would be open to any noble Lord when the bill came up to suggest any alteration which he might think desirable. With his noble Friend, therefore, he thought that these matters required great consideration. He apprehended they would be best considered when the bill came up, and then, if it were thought desirable, the bill might be referred to a select committee; but in any amendments that might be made, he thought there ought to be a distinct understanding that there was no intention to abandon the principle of the act, namely, making the workhouse the test of relief.

The Earl of *Roden* was anxious in consequence of the part he had taken when the measure was in progress through the House, to make a few observations before their Lordships divided. At that time he had stated to their Lordships that it was a measure not adapted to the state of Ireland, and he called upon the House not to pass it. As he was the person who had taken the sense of the House upon the question, he could bear out the noble Duke's (the Duke of Wellington) statement, that it met with the cordial assent of a great majority of their Lordships, inasmuch as he on the division, was left in a very small minority indeed. The more he had seen of the working of the measure and he had paid strict attention to it during his residence in Ireland, the more fully was he fortified in his original opinion that it was not adapted to a country so situated as Ireland. That the measure required many and most important alterations, he had not the slightest doubt, and, as a committee up stairs was the proper place to prove the manner in which the act worked, he should give his vote in favour of the motion of the noble Marquess. He happened to live where this Poor-law might be said to work well. He was in the habit of attending constantly as chairman of the board of guardians, and it became daily more apparent that some provision should be made to put a stop to mendicancy. He considered that the good working of the law in his (Earl Roden's) neighbourhood was owing in a great degree to the exemplary conduct of Mr. Julson, the assistant Poor-law commissioner. He felt it his duty to state this publicly, and at the same time to express his pleasure that Mr. Julson had been promoted to a higher office in Dublin. Under all the circumstances of the case, and with a view to forward the substantial improvement in the working of the measure, a committee of inquiry up stairs was absolutely necessary; and for these reasons he would vote in favour of the motion of the noble Marquess.

The Marquess of *Clanricarde*, in reply, said, he would not detain their Lordships at any length, but would merely refer to two or three objections which had been urged against his motion. It was said, in the first place, by the noble Duke, that if his proposal for the appointment of a committee were agreed to, considerable difficulty would be experienced in consequence of the returns with reference to this subject, for which he had moved some time since not having been produced. Now he thought the non-production of those returns was a strong argument in favour of the appointment of a committee; for he was convinced that, if they were produced, they would show the necessity of inquiry. The next objection had reference to the period of the Session at which he had brought forward this motion. He begged to remind their Lordships that, on the first day of the present Session, he moved for the returns to which he had referred—he was compelled to go to Ireland a short time before Easter—the Bill for the amendment of the existing law was introduced into the other House only, he believed the day before the Easter recess; and when he knew what the intentions of the Government on this subject were, he took the earliest opportunity after the recess of giving notice of this motion. This question was regarded with deep anxiety in Ireland; and he thought no reason should be afforded to the inhabitants of that country for believing that, while their Lordships were ready to spend day after day in determining the right to a title—and to an investigation relative to the disfranchisement of the borough of Sudbury—they were unwilling to take into their serious consideration a subject which deeply affected the interests of an immense mass of the people. The last objection to his motion was grounded on the fact, that the Government had already introduced, in another place, a measure on this subject, which would probably be shortly brought under their Lordships' consideration. He could only say that, if he had the least reason for hoping that her Majesty's Government would agree to refer the bill to which he alluded to a committee up stairs, he was ready at once to withdraw his motion.

The Duke of *Wellington* said, the noble Marquess could not expect him, at this moment, to consent that the bill to which he alluded should be referred to a committee up stairs. He would ask the noble Lord to pause until the bill had passed through the other House; and if, when the bill came before this House, and having passed through the usual stages, went into committee, their Lordships were of opinion that it should be referred to a committee up stairs, he should have no desire to oppose such a proceeding. He was ready to give the subject full and fair consideration; and he left it to their Lordships to take such course as they deemed most advisable.

Motion withdrawn.

Their Lordships adjourned at 9 o'clock.

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HOUSE OF COMMONS,

Monday, May 8, 1843.

MINUTES.] NEW MEMBER SWORN. — Ambrose Hussey, Esq., for Salisbury.

BILLS. *Public.*—2°. Millbank Prison.

Reported.—Queen's Bench Offices.

Private.—1°. Kendall's Divorce.

2°. Ross and Cromarty Jurisdiction.

Reported.—Portsea Improvement; Liskeard and Caradon Railway; Cliffe-cum-Lund Inclosure; Walton-on-the-Hill Rectory; South Eastern Railway; Bristol and Gloucester Railway.

PETITIONS PRESENTED By Messrs. A. Johnston, Strutt, S. Crawford, Thorneley, G. W. Wood, Wawn, Trelawney, Busfield, Dennistoun, Wallace, Ricardo, Roebuck, Hume, and Brotherton, Sir G. Strickland, Dr. Bowring, and Lord James Stuart, from an immense number of places, for the Total and Immediate Repeal of the Corn and Provision Laws.—By Messrs. Bodkin, Towneley, Busfield, Dennistoun, A. Campbell, Wallace, Hindley, Dickinson, Parker, Hume, Ricardo, Hayter, and B. Wood, Sirs G. Strickland, B. Hall, and J. Y. Buller, Lord F. Egerton, Lord James Stuart, Lord Worsley, and Sergeant Murphy, from an immense number of places, against the Factories Bill.—From Ellesmere, in favour of the same, and from several places, in favour, with Modifications.—From Ashton-under-Lyne, and Warbro' Common, for Limiting the Hours of Labour in Factories.—By Mr. Tuite, from Armagh, for Inquiry into the Medical Charities Bill; and from Westmeath, Cork, Sligo, and Limerick, for the Repeal of the Irish Poor-law.—By Sir A. Ferguson, from Londonderry, for the same.—By Messrs. Wynn, and O. Stanley, from Anglesey, and Montgomery, against the Union of the Sees of St. Asaph and Bangor.—By Dr. Bowring, and Sir J. Hanmer, from Boston and Lincoln, for Inquiry into the Bankruptcy Act.—By Mr. Christopher, from Spilsby, Horncastle, and Winterton, against the Canada Corn Bill.—By Sir H. Douglas, from Liverpool, and James Oakes Bridge, in favour of the Players of Intrludes Bill.—By Sir R. H. Inglis, from Twyning, for the Repeal of the Roman Catholic Relief Act, against any further Grant to Maynooth College; and also, against any further Grant for National Education.—From Bath for inquiry into the Affairs of Maynooth College.—From Hull, and Newcastle-upon-Tyne, for the further carrying out Mr. Rowland Hill's plan for Post Office Reform.—From the Isle of Thanet, against the Beer Act.—From Kirby Lonsdale, Kirton-in-Lindsey, and Glamford

Briggs, against the Ecclesiastical Courts Bill.—From Horncastle, for the Repeal of the Malt-tax.—From Shaftesbury, for the Repeal of the Income-tax.—From Winchester, and Southampton, against the Turnpike Roads Bill.—From Creagh, and Tullow, for Amending the Grand Jury Laws (Ireland).—From Londonderry, for the Suppression of Vagrancy.—From the London Literary and Scientific Institution, for Exemption from Taxation.—From High and Low Bishopside, and Pateley Bridge, in favour of the Allotment of Land Bill.—From Rochdale, and Manchester, for Amending the County CourtsBill.—From Tendring union, against the Registration of Births, &c., Act

THE REVENUE—THE BUDGET.] House in a Committee of Ways and Means.

The *Chancellor of the Exchequer* rose and said: As the resolution which I am about to place in your hands may be almost considered a matter of form (being a vote of the surplus ways and means of former years to make good the supplies to be granted in the present year), it will probably not give rise to any discussion or opposition; but I am happy to avail myself of this opportunity, in conformity with what may be considered the expressed wish of the House, to enter into the annual financial statement which is usually made at this period of the Session. The statement which I shall have to make to the House is one of a mixed character. The committee is aware that at the commencement of the Session, it was stated in her Majesty's Speech that there had been a diminished receipt in many of the sources of the revenue, and that that diminished receipt had arisen from that depressed state of the manufacturing interest, which all so sincerely deplore. At the same time, her Majesty expressed a confident hope—which I can, I think, confirm—that the revenue of the country would be ultimately found adequate to meet every exigency of the public service. In discharging the duty now imposed on me, I shall pursue the course usual on similar occasions, of dealing first with the expenditure and income of the year which has elapsed, and then call on the House to examine in detail the estimates we have made as to the income and expenditure of the present year. First, with respect to the income and expenditure of the year which has just passed. Before I enter into the details of that, I may be permitted to call the attention of the committee to the circumstances in which this House and the Government were placed at the commencement of the last Session. We had then to deal with a state of things not of ordinary occurrence. It happened that for a succession of years, from various circumstances, the revenue raised was found insufficient to meet the annual expenditure, and there was a strongly marked feeling in the public mind that it was neither creditable to the character nor safe for this country to allow such a deficiency to continue, and that an exertion must necessarily be made to get rid of so great an evil. Concurrently with that feeling on the part of the public as to the necessity of equalising the revenue and the expenditure, the attention of the public had been for some time called to the various import duties imposed by the Customs laws of this country; and a general impression prevailed that our system of raising a revenue on articles imported required revision, and that great advantage would result to the public in general and to the manufacturing interest in particular, by judiciously dealing with a large portion of those articles which, under the existing tariff were subject to high duties. The task then devolved upon the Government of combining those two essential objects—of raising sufficient from the country to make its income adequate to its expenditure, and, at the same time, of dealing with a large mass of duties producing a considerable revenue, for the purpose of affording relief to the labouring interests of the country. Whatever opinion may have been entertained at the time, or whatever opinion may now be entertained, either as to the extent or the character of the measures introduced by my right hon. Friend for increasing the revenue of the country, or whatever opinion may be entertained respecting particular duties in the tariff which my right hon. Friend undertook to reform, I think there is an unanimous feeling in the House—I am sure there is an almost unanimous feeling in the country—that the course then adopted by the Government was adopted upon a right principle, and was one of which the public were in the main, disposed to approve. Most important consequences followed from dealing with those two questions at the same time. It was obvious that, inasmuch as revenue depended on the duties which we attempted to regulate or to repeal, an immediate sacrifice must be incurred to the extent to which the repeal or reduction of duties was carried. It might be that the decrease would be made up at a future period by an augmented produce; but the immediate result was a defalcation of revenue, commencing from the very moment at which the repeal or alteration was effected; nay, more, commencing from the period at which the alteration was mentioned, because the very mention of an intention to reduce the duty upon certain imported commodities necessarily affected the trade in those particular commodities, and produced an immediate reduction of revenue. But it must be equally obvious to every one, that when the House imposed that new duty on property which was considered necessary in order to repair the deficiency in the revenue, that new duty though charged from the commencement of the financial year, could not be made available in the Exchequer until the collection took place; and every one conversant with taxes of that kind must know that, though charged on the year, they are not collected for six or eight months from the time at which the imposition commences. The country was, therefore, placed in this situation, that by the repeal of the duties on certain articles, an immediate defalcation of revenue ensued, whilst the imposition of a property-tax, immediate in its operation, yielded a supply to our finances only in six or nine months from its commencement. And during this period, also, it must be borne in mind that the expenses of the country were proceeding on the scale which Parliament thought it necessary to adopt, and, consequently, the diminished receipt on the one hand, and the non-collection of substituted duties on the other, necessarily caused an arrear. That arrear undoubtedly produced considerable inconvenience, but it was the inevitable consequence of the change which was effected by the measures of last Session. It would have been possible, indeed, to have guarded against the effect to which I allude. You might either have postponed the remission of duties on your imports to that period at which you might have hoped to receive the duty collected from a tax on property; or you might have taken another course, and at once have raised, by way of loan, the sum which was necessary to supply the deficiency of income during the interval to which I have alluded. To the first of these steps there were manifold objections. If you were to announce the repeal of a duty, and postpone the operation for a considerable period, you would aggravate the evil which your measure was intended to remedy, and prolong that stagnation of trade to which your measure was intended to afford relief. I think it was, therefore, wise not to have entertained a proposition which had for its object an immediate revenue at the expense of general inconvenience. The inconvenience would be doubly aggravated by the public having to deal in the meanwhile in a contracted market, because dealers would not import until the reduced duties should come into operation, and prices would thus be unduly raised. I think, therefore, my right hon. Friend wisely decided, and the House wisely adopted his decision, to make the repeal of duties as immediate as possible. But it may be said, we could have guarded against this inconvenience by borrowing a sum necessary to supply the deficiency. To that, also, there appeared to me to be strong objections. To augment the enormous burthen of debt, unless under circumstances of the greatest necessity, is a course which I for one would never recommend to Parliament. And I think that necessity did not exist, there being sufficient ground to expect that the measures then adopted, though they created a temporary deficiency during the interval between the abolition of one set of taxes and the collection of another, would secure, within a reasonable period, such a revenue as would cover the deficiency occasioned by the course which the House adopted. Having thus given this preliminary explanation, I shall now proceed to state to the House, the estimate of the revenue made by my right hon. Friend during the last year, and the actual amount of revenue which has been raised during that period. It will be remembered that that estimate of the revenue was made before the close of the last financial year, consequently, at a period when such an estimate could not be made with so much probability of correctness as at a subsequent period. To begin with the revenue derived from Customs. The amount of Customs previous to the reduction of duties of last year was 22,500,000*l.*; but, after making the reductions which were effected by the alteration in the tariff to the amount of 1,140,000*l.*, and adding to the revenue what was expected to be raised by the duty on coals, namely, 140,000*l.*, the ultimate produce of the Customs duties upon which my right hon. Friend had calculated for the year was 21,500,000*l.* It appears from papers laid on the Table of the House, that in that expectation my right hon. Friend has been disappointed—the actual produce of the Customs duties for the year, stated in round numbers, was only 20,500,000*l.* Now on looking to the detail of these duties, which has been laid on the Table, the House will have observed that the Customs revenue was only 20,750,000*l.*, and that no less than 500,000*l.* of the deficiency arises upon the article of wine alone. The circumstances that have influenced that particular commodity must be familiar to the House. They have been stated on former occasions—they have been fully discussed, and every one must know, that, having arisen from the delay on the part of Portugal in expressing a definite opinion as to the negotiations which were on foot between the two countries, it is not attributable to any want of consumption on the part of this country, but to that uncertainty as to the duty ultimately to be imposed, which has prevented those who deal in that particular commodity from paying the duty upon the stock they have in hand. Another article in which there has been a considerable reduction is foreign imported spirits. The reduction on this article is 200,000*l.* This arises in some degree from a similar cause to that which I have attributed the decrease in the wine duties; but it must be attributed also, in a considerable degree, to the improved habits prevailing among the lower and middling classes of society. These improved habits have produced not merely a reduction in the consumption of foreign imported spirits, but have equally reduced the consumption of home-made spirits in every part of the country, and give a reason to hope that this failure does not arise from any deficiency in the means of those who usually purchase, but from a growing distaste, to the consumption of ardent spirits. In many other branches of Customs revenue there has been a reduction in the produce of the duties. But before I advert to these, it will be right that I should inform the House what has been the effect of those alterations in the duties on various articles which were made during the course of the last Session. The articles on which my right hon. Friend reduced the import duties were timber, coffee, cocoa, and a variety of smaller articles. On timber he estimated that the loss would amount to 600,000*l.* Now, on reference to the paper before me, it will be seen that the amount of the duty received on the importation of timber during the present year is less than the amount received last year by 676,000*l.*, thus slightly exceeding the loss estimated by my right hon. Friend. But in making this statement, it will be satisfactory to the House to know, that in the last quarter of the financial year, that is to say, between the months of January and April, when the effect of the first reduction had somewhat subsided, the loss, instead of bearing its proportion to the whole amount of 676,000*l.* of loss for the year, was only 87,000*l.*, showing that the consumption has increased, and the timber trade revived considerably during the last three months. The same result is apparent in a still greater degree with regard to the article of coffee, an article, the consumption of which has always been found to increase with every reduction of duty. It was estimated that the loss upon coffee would amount to 170,000*l.*; and if I had had to make the statement on the 1st of January, I should have had to have stated that the loss of revenue upon this article had exceeded the estimate by 110,000*l.*; but I am happy to state, that between the 1st of January and the 1st of April, so great has been the increase in the importation of this article—so great has been the increase in its consumption—that the deficiency on coffee will not amount to 48,000*l.* With regard to the smaller articles on which reductions of duties were made, however, the loss estimated by my right hon. Friend has been rather exceeded. My right hon. Friend estimated that the total loss would amount to 270,000*l.*, whereas it has actually amounted to 316,000*l.* I ought also to add, that the produce of the coal duties, estimated for the whole year at 140,000*l.*, have produced, in the three quarters of which I have an account only, 79,600*l.*, which would make the produce of the duty for the year about 100,000*l.* When I advert to the difference which has taken place between the amount estimated by my right hon. Friend and the loss which the revenue has sustained by minor articles, I ought to mention that, after the first statement of my right hon. Friend, when the calculation of loss was made, further reductions were made in the duties on many articles to a greater extent than was originally contemplated, and which, to a certain degree, would cover the difference between the actual and the estimated loss. But, taking the whole together, what has been under estimated on the one hand, and what has been over estimated on the other, reductions and alterations in the revenue approach as nearly as possible to the sum which my right hon. Friend mentioned. I was about to say, that besides the duties on wine and spirits, in which there has been a reduction of 700,000*l.*, there are a variety of minor duties in which reductions have taken place. But it is most satisfactory to observe, that with respect to all the great leading articles of consumption—articles which are most essential to the comfort and well-being of the people—the duty for the year ending the 5th of April has more or less materially increased, and in the quarter from the 5th of January to the 5th of April, the increase is greater in proportion than that in the antecedent part of the year. This circumstance, I need not remind the House, is an indication of that improvement in the condition of certain parts of the country, which, I believe, in the course of what I have to state to the House, I shall be enabled to establish to its entire satisfaction. It appears that in the Customs duties there has been a very large increase of the duty on tea. I believe the increase in the consumption of tea during the year has exceeded 1,000,000 of pounds. The consumption of tea has gone on increasing in about the same ratio for some years, and no reduction in the average rate of increase has taken place during the last year. There is an increase also in the quantity of coffee imported, though that increase does not make up the amount of revenue reduced. The falling-off in revenue caused by the reduction in the duty has not yet been wholly recovered. There is an increase in the revenue also from sugar, tobacco, pepper, and molasses, in all the principal articles which the House will consider important to the enjoyment of the people. I am sure the House will share in the satisfaction which I feel at finding this result. There are two other articles upon which a considerable increase of consumption has taken place, and the satisfaction which I feel on this account is derived, not from the direct enjoyment which the increase in the consumption of those commodities affords to the individuals who use them, but from the indication which it affords of the increased spirit which has infused itself into particular manufactures into which they enter. The article of olive oil, which is generally used in branches of many manufactures, has increased from 1,500,000 gallons to 3,800,000 gallons, indicating thereby that there is an increased demand for articles into the manufactures of which olive oil enters beyond that which prevailed in the previous year. Gum also is an article essential to many articles of manufacture, and the consumption of this commodity has increased from 24,000 cwt. to 37,000 cwt., and in each case the increase has been greater during the last quarter, namely, from January to April, than in any preceding quarter. I might in this way go through a number of similar returns, but I will confine myself to one which is of the greatest importance to the prosperity of the country—I mean the cotton manufacture. In the quantity of cotton taken for home consumption, there has been an increase in the year from 458,000,000 lbs. to 537,000,000 lbs. In the April quarter of the present year there has been taken into consumption about 1,625,000 lb., to be set against 1,100,000 lb. during the same period of the antecedent year; and this month 896,000 lb. have been taken out, which are to be set against 396,000 lb. for the same month last year. I adduce these statements to the House to show that, while there have been, with regard to the other articles I adverted to, grounds for believing that the comforts of the lower orders have increased, there has been also a degree of activity communicated to manufactures in those particular branches, with regard to which the articles I have mentioned are applicable, which must give satisfaction to every person who justly regards the cotton manufacture as essential to the prosperity of the country. I pass now from the Customs to the Excise. The Excise revenue was estimated by my right hon. Friend at a sum of 13,450,000*l.*, to which must be added the estimate of 250,000*l.* on Irish spirits, making a total of 13,700,000*l.* At the close of the year, however, the revenue from the Excise had fallen far short of that at which my right hon. Friend had estimated it. The produce at the end of the year is 12,500,000*l.*, leaving a deficiency in round numbers of 1,200,000*l.* upon exciseable articles. Of that deficiency, no less a sum than 880,000*l.* arises from the deficiency in the malt duty incident to the badness of the barley crop in the year preceding that, the proceeds of which is carried to the revenue of the year. For it must be remembered that, in dealing with the malt duties, we are dealing with the article grown six months before the payment of the duty into the revenue, and therefore it is not the harvest of last year of which we are now having an account, but the harvest of the antecedent year upon which all this payment had been made; and it is notorious that, during the year 1840, the harvest, particularly in regard to barley, was of a remarkably inferior description. Indeed there was very little of it fit for malting. I always, upon these occasions, find it to be my duty to state frankly and fairly the whole of the case as regards the revenue; and I cannot conceal that there has been a defalcation, more or less, in many of the material articles of Excise duty; there has been, indeed, with the exception of paper, of soap, and of three or four minor articles, in which there has been some increase, a decrease in the consumption of all exciseable commodities. The general complexion of the Excise has been such as to afford evidence of the distress among the manufacturing portion of the community to which I have already alluded, and which we all deplore. With respect to the article of Irish spirits, the House has before them documents to show that it has not produced the revenue which we had anticipated; and that instead of having produced a revenue of 250,000*l.*, in addition to that previously raised, there has not been an increase of more than 56,000*l.* in the course of last year. I know that this has been attributed to the great increase of illicit distillation, which we have been told would follow from the increase of duty. Now, upon that point I may be allowed to express some doubts, and to state to the House the grounds of those doubts. I am ready to admit, what no man can deny—that any augmentation of the duty upon spirits must necessarily create an additional inducement to evade payment of the revenue. That proposition is undoubtedly undeniable, and I think it is equally undeniable also, whether it be high or low, persons will always be found who are willing to serve their pecuniary objects by evading the payment of duties. But the diminution in the quantity of Irish spirit distilled amounted to 1,200,000 gallons, and this was said to be only the natural result of the imposition of the 1*s.* duty in the past year. If the House, however, would look at the papers recently laid on the Table, they would find that a reduction of 1,200,000 gallons in the whole quantity of spirits produced in Ireland is not by any means a novel circumstance in connection with the fiscal history of that country in previous years, They would find, for instance, that the reduction in the antecedent years, when no increase of duty took place, was not only equal to, but greater than that which has taken place since the imposition of the duty in question; and they will, therefore, come to the conclusion that it is possible, that other causes independent of that duty may have influenced the reduction. In the year antecedent there was a reduction in the quantity of spirits of 2,400,000 gallons. But I shall be told that this reduction was owing to the duty of 4*d.* imposed by the right hon. Gentleman opposite. I will, however, go back to a year when neither the 4*d.* duty nor the 1*s.* duty were in operation. In the year 1840 there was a reduction in the quantity of spirits to the amount of 1,400,000 gallons. So that in the years where no new duty applied there was a diminution equal to, if not greater, than that which is now complained of, if, indeed, it can be considered a cause of complaint. And what is the statement which can be made with respect to the causes of this reduction? First, there is a growing spirit of temperance in Ireland which has led the people to abandon the consumption of ardent spirits, and any one conversant with the south and west of Ireland must be aware that that is a sufficient cause for a certain diminished consumption of spirits. Within the last year or two the temperance system had extended itself from the south and west of Ireland to the more northerly parts of the country, and I say that that circumstance alone, independently of any considerations arising out of the imposition of additional duties, is sufficient to account for the decreasing consumption of spirits. But what do we find in other parts of the United Kingdom, simultaneous with reduced consumption of spirits in Ireland? Do we find that, in those other parts, where there has been no increase of duties, there has been no diminution of the quantity of spirits consumed. Quite the reverse. I have already stated that the diminution in the quantity of foreign spirits consumed last year, caused a reduction in the duty of 200,000*l.*, and I find that the consumption of British spirits has also decreased in the course of last year to the extent in England of 200,000 gallons, and in Scotland to above 400,000 gallons. This decrease in consumption observe, has been going on simultaneously with the decrease in the sister country, although in Great Britain the circumstance is quite independent of the imposition of an additional duty, to which some hon. Gentlemen attribute the same result in Ireland. At all events I find this satisfactory circumstance as regards Ireland, that whilst the revenue derived from spirits has decreased during the last year, in England, in Ireland, so far from decreasing it has exceeded the amount produced in the antecedent year by the sum which I have already stated. But some hon. Members perhaps say, "Look at the number of seizures and detections arising out of illicit distillation in Ireland, and say whether that is not the result of the imposition of the additional duty on spirits?" In reply I say that the papers upon the Table of the House show that it would be wrong to draw any such inference. They show that whenever corn happens to be cheap and turf abundant in Ireland—whatever may be the amount of duty on spirits—attempts are invariably made, under those circumstances of temptation, to defraud the revenue by working illicit stills. Now, in the course of last year, the two favourable circumstances to which I have adverted, namely, cheap corn and abundance of turf, have concurred to increase illicit distillation. There was a considerable reduction in the price of oats last year, and the season was particularly favourable to the collection of fuel. The price of oats fell from 8*d.* and 10*d.* to 6*d.* and 7*d.* a stone, thus presenting a great temptation to embark in illicit distillation. When hon. Gentlemen speak of the number of convictions for illicit distillation, they are apt to content themselves simply with contrasting the number in the present year with the number in the past year, overlooking the circumstance that in the one year corn was dear and in the other it was cheap. That circumstance alone would account for the small number of convictions in 1841 as compared with 1842. Let us carry the account a little further back, as is done by the papers on the Table of the House, and we shall find that cheapness of corn and abundance of fuel always exercise a powerful influence upon illicit distillation, and that the seasons which have produced them have also invariably been prolific of seizures and convictions for offences against the Excise laws. Referring to the returns before the House, I find that whereas in the last year there were only 8,266 bushels of malt seized; in 1837, there were 20,010; in 1838, 17,110, in 1839, 11,236; and that whilst no more than 285 illicit stills were seized last year, the number seized in 1836 was 956; in 1837 it was 590, and in 1838 it was 395. Various circumstances tend to show that the diminished revenue arises from the decreased consumption of spirits in Ireland, from the altered habits on the part of the people, rather than from the increase of illicit distillation. I have made careful inquiries as to the conduct of the people in Ireland at fairs, and other assemblages where large bodies of men are brought together; and the result of those inquiries has satisfied me that at no former period was there ever known to be such an absence of those evils which have invariably accompanied the increase of illicit distillation, namely, drunkenness, riots and disturbances. The reports which I have received up to the latest period, uniformly concur in stating that habits of sobriety are extending amongst the people of Ireland to an extraordinary degree. It is reported to me that on St. Patrick's Day not a single man was seen drunk in the streets in several large towns. That is tolerably strong evidence of the change which has taken place in the habits of the people of Ireland. Having these facts before me, I cannot admit, without further evidence that the imposition of the additional duty on Irish spirits has led to the existing increase of illicit distillation. I am aware that the new duty had to work under very unfavourable circumstances. It was prophesied from the first, that the diminished consumption would lead to the reduction of duty, and that prophecy was banded about in all the Irish papers, and prophecies of this nature have a tendency to fulfil themselves. After the new duty was imposed, its operation was suspended for some time, in consequence of a doubt which was raised in the other House of Parliament as to whether the measure was not an infraction of the terms of the treaty of union. The consequence of that suspension was, that the Scotch distillers poured into Ireland a greater quantity of spirits than they had at any antecedent period. I must mention another circumstance intimately connected with this branch of the subject. Two large distilleries in the north of Ireland were convicted of frauds on the revenue, and as whilst the Government was dealing with illicit distillation, it would not be just to allow those who practised frauds upon a large scale to escape the punishment which was visited upon minor offenders, the Excise considered it their duty to suspend altogether the working of those two distilleries, an act in which I cordially concurred. This necessarily tended to cause diminished production, and therefore diminished consumption of the article. To proceed now to the other items of my account. My right hon. Friend's estimate of the produce of the stamps was 7,190,000*l.*, and the sum actually produced was as nearly as possible 7,000,000*l.* The taxes were estimated at 4,400,000*l.*, and they produced 4,200,000*l.* Under the head of the post-office, there is an increase of 100,000*l.* beyond the estimate of my right hon. Friend. I wish I could say, that this is a real increase of revenue. A day has been fixed for a discussion on the subject of the post-office, and I think it will be advisable for me to defer explanation upon this point until that occasion. Avoiding controversial points, therefore, I shall for the present take this 100,000*l.* as increase of revenue, without stating what stands on the other side of the account. With respect to the Crown lands, in consequence of a measure passed last Session authorising an advance of money for certain purposes requisite to the comfort of the Sovereign the estimate falls short by 30,000*l.* On the whole, the ordinary revenue, which my right hon. Friend estimated at 47,640,000*l.*, has actually produced in the course of the year 45,600,000*l.* odd, leaving a deficit of about 2,000,000*l.*; but at the same time there is a sum paid as ransom for the city of Canton, which has been brought to the consolidated fund, and amounts to 725,000*l.* This sum diminishes the actual deficit to 1,275,000*l.* I need not tell those who have paid any attention to the finances of the country, that a diminution in the great branches of the revenue to the extent of 2,000,000*l.* is not altogether unprecedented; that a favourable or unfavourable year will produce these fluctuations, and that they have frequently been higher than in the present year, having at one period amounted to 2,700,000*l.* On other occasions, the diminution of revenue has been considerably less, and it was with a view to meet these fluctuations in the revenue between these limits, that in former times Parliament fixed a sum of 3,000,000*l.* surplus, in order to cover any deficiency that might arise. But that system having been some time abandoned, we now find ourselves with a deficiency to the amount of 1,275,000*l.* To those who anticipated an improvement in the finances of the country, that statement, I fear, will be anything but satisfactory; but while, on the one hand, we should express regret at this state of things, on the other hand, Parliament ought to take credit to itself for having in the course of last Session made an effort to place the revenue of the country, by a property tax, upon a footing of greater equality with the expenditure, because by consenting, as Parliament did, and as the country has done, not only willingly but cheerfully, to the payment of that tax, we are relieved from the difficulty which, but for the imposition of that tax, we should have now to contend with—namely, a deficiency of revenue which would have amounted in point of fact, as compared with the expenditure, to nearly 5,000,000*l.* With respect to the Property-tax, it appears, by returns on the Table, that the amount paid in up to the last return is 2,500,000*l.* It was stated by my right hon. Friend, that the sum anticipated from it would be about 3,700,000*l.* The House, however, must not infer from this, that the produce falls short of the estimate made, or that the tax is not a resource which in the present circumstances of the country will be available for maintaining the public credit, and the national honour to an extent beyond that originally contemplated. The receipts from the Property-tax, with the exception of payments which arise from the funded property, have not exceeded one-half of the amount which, so far as calculations can be made, will be the ultimate produce of the tax. The House, perhaps, will be glad to hear a statement of the real amount which may be anticipated from the tax:—

	£
Under schedule A, comprising the charge on land and property of that description, the estimated produce of the tax is . . .	2,233,000
Under schedule B, which is the charge on the tenantry of land, the estimated produce is . .	330,000
Under schedule C, which includes the charge on funded property, the estimated produce is . .	800,000
Under schedule D, containing the charge on profits of trade, the estimated produce is	1,496,000
Under schedule E, which comprises the charge on official incomes, the estimated produce is	248,000

This is the amount charged upon Great Britain alone. The total charge upon Scotland, as far as it can be at present made up, is 400,000*l.*, making altogether an aggregate amount of 5,500,000*l.* chargeable as Property-tax, from which certain deductions are to be made for repayments and expenses of collection, which will leave an available sum of 5,100,000*l.* as applicable to the revenue of the year. But from the circumstance to which I adverted at the outset, the House must be aware, that one-half of such amount calculated as due on account of Property-tax, will only be in course of collection during the next three or four months; therefore the amount on account of Property-tax due, 2,450,000*l.*, will be carried over to the next revenue accounts. In regard to the expenditure of the past year, it will not be thought necessary that I should go into corresponding details. My right hon. Friend estimated the expenditure at 51,138,000*l.*, and upon that sum we have made a reduction of 222,000*l.*, reducing therefore the deficiency at the end of the year to 2,422,000*l*, from which, however, must be deducted a further sum of 202,000*l.*, which has been granted to pay off the holders of forged Exchequer bills, and for which Parliament has since made provision. The deficiency, therefore, as it will actually appear in the accounts of the year, will exceed but by a little the sum of 2,100,000*l.*, while the Property-tax due on the 5th of April last, and which will not be collected until the next half-year, will be 2,500,000*l.*, part of this being the arrears of the former half-year. 2,000,000*l.*, however, is the sum by which, up to the 5th of April, the payments of the country will have exceeded its revenue. I shall be now asked how I propose to deal with this 2,000,000*l.* deficiency of revenue? Whether I intend to raise the sum that may be necessary by way of loan to bring up this arrear, or whether I propose to leave it to be repaid out of the taxes that are coming in due course, until the amount of the expenditure and the income shall be equalised? Sir, my recommendation to the House is to pursue the latter course, and not to get rid of this deficiency, by immediately raising money to meet it. I would recommend them rather to leave it to be repaid by the surplus that may hereafter arise in the accruing revenues, until this arrear be reduced and the country relieved from it, without throwing any additional burthen on posterity. The House must be aware, that with regard to future expenditure, all we can do is to take especial care that the expenditure of the country shall be kept within its means, and that we have an effective surplus of revenue, in order that this sum, so in arrear at the commencement, may be gradually — possibly slowly — but certainly diminished, in proportion as we may be enabled to economise the expenditure. And this obligation imposes upon us the exercise of a proper economy in the administration of the finances in our hands and due care to the payments we have to make, and still more to be careful not to abandon the means of improvement to be derived from the various sources of revenue we have to deal with; and we must take care to maintain that superiority of revenue over expenditure which shall enable us to remove that deficiency which all must admit to be an incumbrance which those who have the administration of public affairs, and which Parliament, as controlling the Government of the country, will feel a strong obligation to remove while they endeavour to relieve, the pressure which now bears upon trade. I do not mean to say that the course I propose is without inconvenience. Every one must admit, that such an arrear to be paid out of the produce of the next or of succeeding years must be irksome to the Government, but the more irksome it is the greater obligation upon us to take care that the means are not wanting of repaying this charge from the balances as they come in; and the difficulty which it imposes upon the financial operations of the country, and especially upon the financial Minister, constitute a strong inducement on the part of those who are entrusted with the administration of affairs to maintain the income of the country over its expenditure, in order to meet that which, until discharged, is a heavy burthen. I have recommended this course when in opposition, and I recommend it to every financial minister as a question of prudence and policy, not to provide for such deficiencies by augmenting the permanent charge of the country, but trusting to those resources which, limited at first, will, I have no doubt, increase in the end, so as to enable the House to meet the deficiency. The next point to which I wish to advert is the estimate for the year upon which we are about to enter; but before I do that, I must draw the attention of the House to two heavy charges which will fall upon the Government in the course of the present year, which do not form part of the ordinary expenditure of the country. I allude to the charges which arose out of the proceedings which led to the war in China. The first is a payment on account of the opium seized in the year 1839—a payment to which the honour of the Government is pledged, and which amounts as nearly as I can calculate, but subject to correction hereafter, for I cannot speak positively, to the sum of 1,250,000*l.* There is a further payment to the amount of 800,000*l.*, which is due to the East India Company for the expenses incurred by the operations in China up to the 30th of April in the present year. With respect to both these charges I propose altogether to exclude them from the calculation of the expenditure of the year, and for reasons which I think the House upon consideration will admit to be just. We have most successfully terminated the war with which these two payments are connected. We have terminated it by obtaining from the Chinese government a compensation for the expenses incurred in that war, and also compensation for the opium seized, on the seizure of which the war arose; and having these resources on which to count for these payments, I think it would not be just to those who are to bear the burthens now that I should call upon them, out of their annual income, to defray these two charges, when we are to receive by instalments the whole and more than the whole from the Chinese Government. It was my original intention to have made these sums payable in India out of the proceeds of the money derived from the Chinese government. But representations have been made to the Government, both by the East India Company and by the holders of opium, which have induced us to believe that it is essential to the welfare of the East Indies in the one case, and what was due to the opium claimants in the other, that the payments should be made in anticipation and in England. The course I propose then is, that we should raise the money here that will be necessary for the discharge of these claims, taking the money to be paid by China for the repayment of the advances now to be made. I will state the outline of the reasons which induce me to take that course. From the wars which have been carried on in India, and the difficulties to which these wars have subjected the finances of the East India Company, it became necessary for them last year to make new arrangements as to the remittances from this country to India, and to authorise the Indian authorities to draw on the treasury at home; and last year 800,000*l.* were in consequence paid to the East India Company, and it is essential to the maintenance of those arrangements that the additional sum of 800,000*l.* should now be paid in this country. Therefore I have thought it better not to subject the finances of the Company to the inconveniences which a total change of arrangements would have produced, but to make provision for the payment here, to be replaced out of the funds which are due in India as they come in. Then with regard to the opium holders. They have only a claim in common with the public to any funds that might be derived from China. My opinion upon this point is as I have before expressed in this House. I have always maintained that the expense of the war was the first charge upon any moneys which might be obtained from the Chinese government, and that the opium claimants would be dealt with fairly and justly if they were paid out of the future instalments as they arrived; but, on a further examination of the question, finding that the parties interested in these claims are parties to whom the detention of what is due to them would be productive of very great inconvenience—finding also that those parties, in many instances, have intrusted their affairs to persons in this country, who are authorised to receive the money for them—feeling also that it would not be just to these to make them wait for the ultimate settlement for the payment of their claims, I have thought that it would be the best course, as far as they are concerned, as well as the cheapest for this country, to pay at once the sums which may be found to be due. These are the grounds on which I propose not to include a vote of 2,000,000*l.* on account of the opium claims and Indian expenses, but to raise the money here by a vote of credit to be replaced as resources are derived from China. The sum still to be derived from that country is 3,150,000*l.*, or 15,000,000 of dollars, and the further claim on that fund, in addition to the 2,000,000*l.* now proposed, is 3,000,000 of dollars for the debts of the Hong merchants, which will be paid out of the next advances. The House, therefore, will see that, in making this advance, it has within its reach ample means of repayment, and it will be only lending its credit for the maintenance in one case of the financial credit of India, and in the other for a fair consideration of the claims of the holders of opium. Now, with respect to the regular expenditure of the country; and the estimates of the future income of the year, let me repeat what I have before stated as to the necessity I feel of not making too sanguine estimates. I have made them of a character which I think every one will admit to be free from exaggeration. I propose to take the Customs for the present year at 19,000,000*l.* They produced last year 20,750,000*l.* I take them at 19,000,000*l.* this year, because last year 1,378,000*l.* was derived from the duty on corn, and, anticipating as I do, that, with the blessing of Providence, we shall have a favourable season and an abundant harvest, I dare not in estimating the Customs take into account that amount of revenue as derived from the duty on corn, and I have, therefore, excluded the corn duty altogether from my estimate. It must be borne in mind, also, that for three months last year, there were certain reductions of duties which were not brought into full operation; and that in respect of the timber duties, the knowledge that they are to undergo a still further reduction in October next, has produced a considerable stagnation in that trade. There are also other articles of a minor character, which I will not stop to detail, that are in the same condition. I have thought it more prudent, therefore, to reduce the estimate of the Customs, as compared with that of last year, by 1,700,000*l.* and to take it at 19,000,000*l.* On a similar principle I have acted in making my estimate of the Excise, though the result in that case will be different. The estimate of the Excise revenue, as brought forward last year by my right hon. Friend (Sir R. Peel) was 12,500,000*l.* I take for the present year as the probable revenue from the Excise 13,000,000*l.* It has, on former occasions, been usual, when you have excluded the corn duties from the Customs, to bring in the amount of those duties to the Excise; and in ordinary cases, when the amount has not been so large as it was last year, it has been considered, generally speaking, as a general rule that any unusual increase in the excise upon malt is counterbalanced by a diminution in the revenue from the corn duties, and *vice versâ*. But the amount received last year is so large, that I am not willing to act upon that principle in an estimate in which I desire to keep quite within the mark; and having already estimated on malt 300,000*l.* more than was received upon that article last year, and estimating that either from the charge upon malt during the present year, or from the stimulus that will be given to the consumption of exciseable articles by the abundant harvest which, I trust, with the blessing of Providence, we may enjoy—I think, in adding 500,000*l.* to the estimate of the previous year as the probable produce of the Excise, I do not exceed those limits by which a reasonable man in making such a calculation would be bound. The article of stamps I reckon at 7,000,000*l.*; the same amount as was derived from that source of revenue during the last year. From the assessed taxes I look for the sum of 4,200,000*l.* which I have estimated at 200,000*l.* less than the estimate of this source of income during the last year, not because I apprehend that there will be any reduction, but in order to allow for any diminution that may arise from the imposition of the Property-tax, and which diminution has not yet been felt in the collection of the assessed taxes. The Post-office I reckon at its present amount. [An hon. *Member:* How much is that?] 600,000*l.* The income arising from the crown lands, which last year was estimated at 117,500*l.*, but being released during the present year from several charges to which this source of revenue was subjected, I have reckoned it during the ensuing year at 130,000*l.* To these sums must be added the amount arising from ordinary miscellanies, which during the last year was 250,000*l.*, but which this year will be 1,120,000*l.*, from a payment received under the Chinese treaty, and to all these accumulated amounts, there now only remains to be added the income and Property-tax, which I reckon at 5,100,000*l.*, making in the whole a grand total of 50,150,000*l.* available for the purposes of the current year. Now, with respect to the other side of the account, I mean the expenditure of the country during the year now entered upon, that has been already pretty correctly laid before the House in the estimates, and I shall, therefore, merely go through the heads of those various estimates. The first estimate is for the army, amounting to the sum of 6,619,788*l.* The navy estimates, including contingencies, amount to 6,382.990*l.* The ordnance expenditure for the current year is estimated at 1,849,142*l.*; and the miscellaneous estimates, which were originally calculated at 2,910,000*l.* will, in consequence of some unforeseen charges, be somewhat increased, I shall reckon them at 3,000,000*l.* there being included in that sum an amount of

26,000*l.* for Canada which has heretofore been made separately. The whole of the expenditure which I have enumerated above will be the gross sum of 17,851,920*l.*, being a reduction on the charge of last year (a charge which amounted to the sum of 18,779,000*l.*) of 925,000*l.* This is the amount which has been estimated as required for the supply of the current year. With respect to the permanent charge, I may state that the interest of the funded debt amounts to 28,559,979*l.*; the interest upon unfunded exchequer bills to 618,755*l.*; and the charge on the Consolidated Fund during the ensuing year will amount to 2,357,000*l.*, making in the whole 31,535,000*l.*, showing a reduction in this branch of the expenditure as compared with that of last year of 257,275*l.*, which, added to the saving effected in the estimates of supply, makes a grand total of 1,182,000*l.*, the total sum saved to the country during the ensuing year. The result of these various statements of receipts and of expenditure now shortly and concisely laid before the House is, that the expenditure of the current year will be 49,387,645*l.*, which as compared with the income calculated upon from the sources I have pointed out, of 50,150,000*l.*, will leave a surplus of 763,000*l.* for the ensuing year, which as I have already intimated, will be applied to the liquidation of the arrears which exist at the commencement of the financial year. Under these circumstances however, I feel bound to admit, that this amount of surplus is not such as to be satisfactory to myself, neither can I hold it forth as such to the House of Commons or the country. It would have been far more agreeable to me if I had been able to frame the estimates of revenue on a more liberal scale, as well as to have offered to the House some assurances of my expectations that a larger income might fairly be looked for than that which I have felt it to be my duty to lay before the House as the probable receipt of the current year. But as that has not been in my power, I must confess I have been induced by the considerations to which I have already referred to postpone many improvements and to defer making many alterations in the duties from which the revenue is derived, which, had the times been more prosperous, and the revenue in a better state, I should not have delayed to carry into effect. The duties however to which I refer produce an amount of revenue too serious to permit me to relax them when the necessity for paying off the arrears accumulated is taken into consideration, and I am therefore compelled against my will to resist many applications to me for the remission or reduction of duties on various articles which otherwise I should have been glad to have listened to. I repeat, I have formed my estimates of the income for the current year in the conviction and belief that they will produce the sums I have calculated upon; and if there be any variation at the end of the year, it is my belief that the deviation from my estimates will be in the shape of an increase rather than diminution, for I perceive an indication of improvement in the industrial resources of this country, which, after the dark gloom of the last year's experience, allows me to hope for better things. Though this improvement may not be sudden in its effects—which indeed I rather incline to look upon as an advantage—still it does manifest itself in several of the staple manufactures of this country, and from those branches it will, I confidently expect, extend to others. I do not express these opinions because I have founded them on my own private views or upon the information which I have received from individuals, but I have gathered them from the general appearance of trade and from the increased consumption of various important articles connected with the commerce and manufactures of the country. I refer to the increased consumption within the last three months, and yet more within the last month—of different articles, which contribute in a great measure to the enjoyment and the comfort of the labouring classes of the people. I have shown to the House, that with respect to the great staple manufacture of cotton, an increase has taken place more rapidly than could have been anticipated, and I gather from this return alone an assurance that there has been an increased activity in every business connected with that branch of trade. I feel confident anticipation that the improvement is likely to continue. In making that statement I do not rely on my own individual opinion, far from it. I rely upon the general tone of documents in which I can safely confide, because they are documents not issued for the purpose of influencing opinion in favour of the Government or against it; neither are they the result of any attempts to influence or guide public opinion upon these points by speculative persons. But they are documents issued by different brokers in this country, and circulated at home and abroad for the information of foreign and British correspondents. I find in those documents cheering and satisfactory assurances of an improvement in the commercial and manufacturing affairs of the country. If the House will allow me I shall read to them three of these papers, issued from three different parts of the country—from London, from Liverpool, and from Manchester—places in which the means must exist of forming correct estimates of the commercial situation of the country. I may add, that those parties have no interest in sending forth other than true accounts respecting the condition of trade. The first of the reports, extracts from which I shall read to the House, is dated London, May 1, and it was sent out with the Indian mail which left on that day. It is a circular addressed by the very respectable firm of Truman and Cooke to their mercantile friends and connections, and it thus portrays the state of the markets here:—

"The germs of improvement in the internal state of the country which were visible last month are in the course of very satisfactory developement. Lancashire keeps the lead; its banking was never in a sounder state, and the prices of most goods yield a fair profit. In some descriptions, indeed, the returns are very advantageous. Another branch of manufacture which has been very much depressed has also been improved. Flax has fallen 25 per cent., it can be manufactured at a price which brings demand from Germany and other parts; and the Germans are now actually taking yarn from England instead of our importing it from them, so that notwithstanding the high tariffs of France and the United States, the linen trade is somewhat overcoming its depression. The accounts from the Scotch manufacturing districts, and from Nottingham and Derby, are also cheering, and Yorkshire shows some increased activity. In Leeds the woollen manufactures are now working full time, which they had not done for six months previously."

The next extract I shall read is from a circular issued by an eminent firm at Manchester. They state—

"The improved condition of the trade in this district, noticed in our last circular, has continued without interruption to the present time. Our goods market has assumed a tone and firmness indicating that confidence is established in the general improvement of the country, and in the more favourable position of most foreign markets; our mills are in full work, our manufacturers are obtaining remunerating prices, and although only a very partial advance has taken place in the wages of the operatives, still the very low price of food places them in a much better position than at any period since 1836. It is particularly gratifying to notice that the handloom weavers are now in full employ, at advanced wages, in some instances as much as 20 per cent. Indeed, activity pervades the whole manufacturing district of this country."

The last extract with which I shall trouble the House is from a Liverpool cotton broker, who says—

"The extent of operations in our markets for goods and yarns during the past month, and the prices obtained, have been generally satisfactory and encouraging; so much so, indeed, as to have restored the districts of our cotton manufactures to our usual state of cheerful industry. Notwithstanding there is a considerable increase of production, still the reduced price of the raw material, and the cheapness of all kinds of food, have enabled us to overcome all foreign competition, and to find full employment for our operatives at remunerating wages, without having to pay any increased price for labour, except only in the case of our handloom weavers, who have received some small advance."

Such being the case, coupled with the facts I have previously referred to of the increased consumption of raw material, and relying on what I have thus stated, I do not think that I take too sanguine a view of the present state of affairs, when I say that the cotton manufactures are improving, and that the woollen and linen manufactures are also in a state of improvement. At the same time it is necessary to state candidly to the House that there are other branches of trade which have been and still are labouring under great depression. But I know from experience, that when a great increase takes place in any one branch of manufacturing industry, it is not long before the industry increased in one quarter is found operating in another, and if that additional activity in the manufacturing dictricts, described in the extracts I have read to the House, shall continue, I think it impossible in the nature of things not to anticipate that a similar improvement will extend itself to other districts of the country. There are also other indications that the means of the people are increasing in the manufacturing districts of Lancashire. One of these indications, and an indication of no slight importance, is to be found in the returns made from the savings banks throughout that district, from which it appears that the payments into these banks of deposit within the present year, as compared with a corresponding period of last year, were as the sum of 500,000*l.* to 300,000*l.*, and the amount drawn out within the same period had diminished in the same if not in a greater ratio. Another indication of a similar and of an equally cheerful nature may be adduced in order to show that the manufacturing classes are recovering from the depression under which they recently suffered. An inquiry into the pawnbrokers' establishments shows that the number of pledges which were in the hands of those several establishments, particularly of workmen's tools, have been reduced to a degree which shows that class of the community have been relieved to a great degree from their pressure under which they were labouring. From this corroboration of favourable circumstances, although I cannot hold out any brilliant expectation to the country—although I should not be willing to raise exaggerated hopes, or to encourage the expectation that we are so rich that we may either incur additional expenditure, or hazard any large amount of the revenue—yet I say there is in the present state of the country a sufficient indication to warrant me in urging upon the House, that we are advancing to that period when, having undergone the severest trials of depression and diminished employment, we may look forward to the time when the means of the people being greater, and the revenue of the country consequently improved, it may be in the power of him who fills the situation which I have now the honour to hold to come forward boldly, fearlessly, and honestly, and without hazard make those improvements in the revenue system of the country which will contribute materially to advance its general interests, and to insure its permanent prosperity and welfare. The hon. Gentleman concluded by moving,

"That, towards making good the Supply granted to her Majesty, there be issued and applied to the service of the year 1843, the sum of 47,994*l.* 12*s.* 3*d.*, being the surplus of Ways and Means granted for the service of preceding years."

Mr. *F. T. Baring* wished to ask for some explanation relative to the repayment of the Chinese money. He saw that the right hon. Gentleman took credit for a sum of money received from China under the treaty of 1842, and while he proposed to repay 2,000,000*l.* out of the proceeds of the Chinese money, he does not apply any part of the 870,000*l.* now in course of payment to that purpose.

The *Chancellor of the Exchequer* regretted that he had not been sufficiently explicit on that, and he was glad the right hon. Gentleman had called his attention to the omission. If he understood the right hon. Gentleman right, he wished for information as to the 870,000*l.*, for which he (the Chancellor of the Exchequer) had taken credit. He proposed to advance upon the whole 1,250,000*l.* in payment of the claims of the East India Company, the advance by this country to be obtained afterwards from taxes. The hon. Gentleman asked why he did not apply the money to be received from China to the redemption of the demands made upon the country on behalf of China? He would tell the hon. Gentleman the reason which induced him to carry that amount to the public account. He (the Chancellor of the Exchequer) had stated on a former occasion last year, that he thought the first claim upon the China money was to pay the expense incurred in prosecuting the war, and bringing it to a successful close. And when he looked at the estimate of the sum already paid by this country in the prosecution of that war, he did say that it was not an unreasonable proposition that the money taken by this country from China should be carried to the public account, for the present, of that war, rather than it should be applied to pay the debts, which would be a claim upon the future proceeds of the China money. The expenses incurred in India amounted altogether to 2,180,000*l.*, the expenses incurred by the Admiralty, over and above its ordinary expenditure, was 128,000*l.*, and that of the Ordnance was 30,000*l.* above its ordinary expenditure. The sum paid on account of the China war was 4,280,000*l.*, which would be diminished thus—money received from Canton, 700,000*l.*; money paid in England, 517,000*l.*; sums paid on account of the war in the course of the present year, 511,000*l.*; and the money received in the course of the present year pending the negotiations of the treaty, 870,000*l.*, making a total of 2,598,000*l.*, a sum which would considerably lessen the four millions paid to the expense of the war. He thought it no undue assumption to apply the first payment of 870,000*l.* to that purpose. The amount was divided into three million of dollars for the payment of the Hong Kong debts, twelve millions for the expenses of the war, and three millions for the payment of the opium debt.

Viscount *Howick* begged to ask the right hon. Gentleman, as he had said he could not afford to make a large reduction, if he meant to make no reduction at all in taxation.

The *Chancellor of the Exchequer* said, no reduction whatever was in contemplation.

Mr. *Labouchere* begged to ask, as he understood that there was to be no reduction of taxation, whether there was to be any alteration in the duties on sugar?

The *Chancellor of the Exchequer* said that there was no such intention.

Mr. *Hume* said, he had listened with great attention to the statements made by the right hon. the Chancellor of the Exchequer, and although it seemed promising, he thought it would not be found so favourable on examination. The House must bear in mind the statement made by the right hon. Baronet at the head of her Majesty's Government last year, and he thought the House would hardly consider it realised. In fact, it was a failure to the extent of 2,500,000*l.* He perfectly well recollected the view the right hon. Baronet took of the system of taxation pursued by the preceding Government. The right hon. Baronet censured the financial arrangements of that Government as injurious to the public welfare. The right hon. Baronet had blamed the late Government for allowing a deficiency to accumulate, and had estimated as the result of the property tax not only sufficient to prevent a deficiency, but an actual surplus. He thought it was but fair to say, that if the Chancellor of the Exchequer of 1841 had failed to make good his budget, the present Chancellor of the Exchequer had equally failed. He had ventured to tell the right hon. Baronet, as he had told the right hon. Gentleman the Member for Portsmouth, that the only mode of preventing a deficiency was to reduce the expenditure. There was not one of the items upon which the right hon. Baronet had formed an estimate in which his estimate had not entirely failed. The right hon. Baronet had anticipated a deficiency of 3,780,000*l.*, but against that he placed 4,700,000*l.* to be derived from the Income-tax, the spirit duties, and the duties on coal. He was not sorry to find that in the article of coal the right hon. Baronet had been entirely mistaken, and though in Sunderland a vast mass of industry had been thrown out of employment, the amount received from the tax in that port was only 4,070*l.* The number of ships thrown out of employment was 1,608, while the right hon. Gentleman had got only a revenue from the whole tax of 74,000*l.* He could not but regret that the Chancellor of the Exchequer, seeing the evil which the tax had caused, and the little service it had rendered the revenue, had not taken measures to relieve the country from this duty on coals. Had that duty not been imposed, a much larger revenue would have been derived from the consumption of excisable articles, the consumption of which had by that very duty been prevented. He knew that he should be borne out in this statement by those who were connected with the trade. The right hon. Gentleman last year calculated there would be a surplus of 500,000*l.*, but it appeared there was a deficiency of 2,420,000*l.* If to that he added the sum of 500,000*l.* received from China, and which was not calculated upon by the right hon. Gentleman, the real deficiency would be 3,000,000*l.* instead of 500,000*l.* surplus, which the right hon. Gentleman now expected. That state of things ought to cause the right hon. Baronet to reflect. He admitted that the low price of provisions had been a great relief to the hand-loom weavers and similar classes of men; but the same measures which were producing that relief, being in themselves partial, were producing great distress in the agricultural districts. This was a melancholy prospect enough, with such an amount of privation as now afflicted all classes in the country. But he thought the worst of the distress and suffering was yet to come; he did not see how employment was to be furnished for the industry of the country, unless the Government would use their power to establish a permanent system of free-trade. The right hon. Baronet, in order to carry out the principles on which he had announced to the House his intention to act, ought to double the Income-tax. If he did that he would do no more than what he promised the country to do—balance the income and the expenditure, and leave a surplus revenue in the Exchequer. He could not understand, therefore, why the Chancellor of the Exchequer should think himself entitled to address the House in a different tone from that which had been used last year. He could show that the deficiency was now greater than it had been in any past year, and instead of the finances being in a better state, after two years of the right hon. Baronet's management, they were found to be in a worse condition than before. He was not, however, disposed to recommend any increase of the Income-tax; on the contrary, he regretted its existence extremely. He said that they ought to take off the Income-tax, and if those who supported the right hon. Baronet would join him in endeavouring to obtain a reduction of the extravagant and unnecessary expenditure on account of the army, navy, and other services, a saving of 4,000,000*l.* might be effected, which would enable them to do this. That would also give Government the power of reducing the duties on cotton, on wool, and other articles, which pressed heavily on our manufactures. The distress of the woollen manufacture was too well known, and every account from Yorkshire showed that it was spreading. The right hon. Baronet ought to relieve the commerce of the country from the duties levied on raw material, and free every branch of industry from the difficulties with which it was surrounded by an unwise and impolitic system, and which caused so much distress among the workmen. The manufacturers had been charged with insensibility to the sufferings of their labourers; but he believed that to be a libel on them, for he had heard of many who kept their factories at work without receiving any return whatever for their capital, in order to avoid turning off their workmen. The country was now placed in a very unsatisfactory situation. Although the Chancellor of the Exchequer had smoothed the matter as much as he could in his address to the House, and said the worst was now passed, he was sorry to say he was of a different opinion. The circulars to which the right hon. Gentleman had referred were not documents on which he could place reliance. Suppose a merchant had a large stock of an article, such as cotton, on hand, it was his interest to make the most favourable statements in order to get it off his hands. The right hon. Gentleman ought to look at the distress felt in every branch of industry. There was not one in which those who carried it on were not losing money. With the Income-tax, and with the sum which the right hon. Gentleman might obtain, by reducing the sugar duties, and making other judicious changes, he could not think the right hon. Gentleman was wise in the course he had adopted. Before another twelvemonth came round, country gentlemen's pockets would be empty if the present system continued, and they would be ready to press for measures of retrenchment. The country was now at peace with all the world, and why expend such enormous sums on naval and military armaments? The right hon. Gentleman had availed himself of the chance of a godsend in the China money coming in, in order to make up the deficiency. That was not a sound principle; the revenue ought to have been made equal to the expenditure, or the expenditure ought to have been cut down to the revenue. The result of the right hon. Gentleman's statement was, that we were to continue in the same state; there was to be no relief of taxation, and there was to be a continuance of the deficiency. The right hon. Gentleman had failed as much as the late Chancellor of the Exchequer (whom he expected to see rise, and claim some merit for having met the necessities of the country without an Income-tax), and there was no reason to congratulate him on the result of his experiments.

Mr. *Baring* said, he did not mean to compare himself, as his hon. Friend seemed to expect, with the right hon. Gentleman opposite. So far as regarded all those calculations which the right hon. Gentleman, the First Lord of the Treasury, had made, he should be very far from being inclined to compare the actual result of them with that which had been anticipated, if it were a mere question of party mistakes in forming an estimate of the revenue of the country; but he did think, that it became a matter of some importance on the present occasion. It should be recollected, that last year we made some great alterations in our financial policy; a very heavy and onerous tax was imposed on the country, and the House was told by the right hon. Gentleman, that the advantages to be gained by the revision of taxation, which the imposition of the new tax enabled him to accomplish, would be of such a nature as to counterbalance any inconvenience resulting from the nature of the tax itself. This was the first time they had been enabled to see what those advantages would be; the day of proof was come, and it was now for them to see how their pudding eat. It would be necessary to go through some of the statements of the right hon. Gentleman, with the view of answering certain observations which had fallen from him. First, of the Customs. The anticipation of the right hon. Gentleman, the First Lord of the Treasury, was, that he would receive 21,500,000*l.*; he had received 20,754,000*l.*, being a loss of 746,000*l.* He begged the House to recollect, that when the right hon. Gentleman stated his anticipation, he observed, at the same time, that he did not expect the great advantages of his change to occur in the first year; and therefore took a very moderate view of the immediate benefits to be derived. In comparing, therefore, the anticipation with the reality, they were comparing what was avowedly a sober view of the case with that which was now found to be fact. 746,000*l.* then, was the falling off; and that, as regarded revenue, was the real falling off; but if they looked to what regarded the consumption of other articles, he thought they would agree with him, that that was not the real falling off, because it would be recollected a large amount of the revenue had been received from corn. Comparing the revenue derived from corn this year with that of last year there was a difference in favour of the revenue this year of between 700,000*l.* and 800,000*l.*; so that if you threw out corn, an article which every Chancellor of the Exchequer threw out of consideration, owing to the manner in which the duty was imposed, the difference was about 1,400,000*l.*, and not 700,000*l.*, as stated by the right hon. Gentleman. With respect to the deficiency of 400,000*l.*, which the right hon. Gentleman stated to arise from the uncertainty which had prevailed respecting the negotiation with Portugal, that was an explanation undoubtedly; but he did not think a very satisfactory one, as regarded the conduct of the right hon. Gentleman opposite. For what was the fact? The right hon. Gentleman stated, that this falling-off of 400,000*l.* had not been the consequence of any diminished wish for consumption on the part of the purchasers—had not arisen from any distress of the day, or from any want of supply—not at all, for the consumers were anxious to consume, they were capable of paying, the supply was in the market—but from the uncertainty produced of the negotiations of the Government. During the whole year they had been kept in such a state, that every person was afraid to move a step, and the result was, that they had a deficiency of 400,000*l.* That loss had arisen from the way in which the negotiations had been conducted, and the right hon. Gentleman in stating that to the House had stated a fact which he (Mr. Baring) had heard from many merchants, who had complained bitterly, that for the whole of last year the wine trade had laboured under great difficulty and depression, arising from the manner in which the negotiation had been prolonged. With respect to the Excise, the right hon. Gentleman had been very unfortunate in his calculations on this head. The loss on the Excise was about 1,200,000*l.*, and the right hon. Gentleman stated, that a large part of that deficit was to be ascribed to the diminished duty on malt. That was quite true, as regarded a comparison of the produce of the Excise with that of last year; but compare it with the expectations held out by his right hon. Colleague, and he did not think the Chancellor of the Exchequer had a right to take that into his calculation, for the right hon. Baronet stated to the House that he expected a very bad malt year, and that, in consequence, he should take the Excise at a very low scale. Therefore, in addition to the very low scale at which the right hon. Baronet took the Excise, from the expectation of a very bad malt year, the result was, that the consumption had so fallen off that about 1,200,000*l.* had been lost to the Excise. On looking back, he found that the amount which the right hon. Baronet stated he expected from the Excise was lower than had been taken from the last four or five years, and this was done on the ground that he expected a very large deficiency to arise in the article of malt. In the Customs and Excise, therefore, the amount raised was 2,000,000*l.* below the expectations held out to them by the right hon. Gentleman. In stamps, also, there was a deficit; and also in the Crown lands; but that last the right hon. Gentleman had accounted for. The deficiencies in these cases were not so material, and he merely mentioned them in order to show that the deficiency of the revenue had not been confined to one or two branches, but had extended generally; in fact, it had affected all branches of the revenue except that derived from the Post-office. With regard to this last-mentioned revenue, however, the right hon. Gentleman seemed hardly to look on the surplus as *bonâ fide.* While looking at these deficiencies he could not help referring to an argument used against him under similar circumstances on a former occaaion by the right hon. Baronet himself. In dealing with him and his calculations the right hon. Baronet called on the House to contrast his expectations with what had been ultimately realized, and had asked the House why these expectations had not been realized. The right hon. Gentleman then said, Look at what you expected, what you have received, and it will be seen that your expectations have not been realised; you have put 5 per cent. on consumption, and that has so diminished consumption, that the revenue has fallen off, and you have defeated your own object. [Sir *R. Peel* dissented.] He alluded to the right hon. Baronet's speech of last year, and he was quite sure that the right hon. Baronet had argued in this way. In the reports of the speech figures were introduced for the purpose of making out the argument. Now he (Mr. Baring) did not hold the argument, as an argument, in very high estimation, but such as it was it applied equally to the right hon. Baronet himself. He had imposed a direct tax on the country to a very heavy amount, on the strength of the advantage which reduced duties on articles of consumption would yield to the tax-payer. What had been the result? Why, that there was a deficit of 2,000,000*l.*, the revenue being so much less than that very sober calculation of the right hon. Baronet as to the revenue to be expected—that although two millions and a half had been extracted from the people by the Income-tax, there had been a loss of nearly the same amount on the general branches of the revenue. On the whole, therefore, he was far from admitting that the alterations in the duties on articles of consumption had compensated for the direct taxation, nor did he admit that such an amount of direct taxation could be paid without great pressure on the lower classes, notwithstanding that they might be nominally exempt from it. The only branch of revenue, then, as he said, in which there had been no falling-off was that derived from the post-office. Into the question of the post-office revenue he was not now about to enter in detail, because the right hon. Gentleman had intimated that there would be a discussion upon it, but he would venture to suggest to the Government, that as they had got 100,000*l.* more than they expected from the post-office, they should allow the rural districts to have the full benefit of the new postage plan. That subject used always to be pressed upon them (the late Ministers) from the Opposition side, but since hon. Gentleman had changed their position in the House they had not been so urgent upon it. He hoped, however, now that they had got a little sum to spend out of the increased revenue of the post-office, that they would allow the rural districts to have some of the benefit of it. He left a minute when he quitted office, by which it was shown that the improvement could be effected for a small sum, and he did hope, that now a year and a half had elapsed, some step would be taken on the subject. Be the post-office plan bad or good, deal with it accordingly, but if the law was kept on the statute-book, let the poor have the full benefit of it. There was one point on which the right hon. Baronet had touched very gently, and with much delicacy, the subject of the amount of his balance. The Chancellor of the Exchequer had stated, that the deficit of the year arose from the whole amount of the year's taxes not having been paid up. But every body knew that certain taxes were not paid up within the year; and how came it that last year, in stating the expected surplus at 530,000*l.*, no calculation whatever was made on account of this part of the taxes which could not be paid up. When the right hon. Baronet last year stated his balance at 530,000*l.*, he surely must have known as well as now, that part of the Income-tax could not be paid up within the year. No explanation had been given of this mistake. Instead of a surplus of 500,000*l.* there was a deficiency on the face of the balance-sheet of 2,500,000*l.*, and even this account included the large sum received on account of the Chinese expedition. That sum had come in to Ministers as a kind of Godsend, and had enabled them to make their balance-sheet up more favourably, but, deducting that sum from the gross receipts, how would the balance stand? The right hon. Baronet the Home Secretary would, doubtless, remember his former prophecy, that the China war was a war that would be carried on without credit, and that could not be retreated from with honour. It must be a source of peculiar satisfaction to the right hon. Baronet, that his prophecy as to the Chinese war had not failed more egregiously than the prpohecy of the First Lord of the Treasury as to the amount of his balance, and that the booty yielded by that China war had come in so opportunely to make up his (Sir J. Graham's) right hon. Friend's balance-sheet. [Sir *J. Graham:* Who conducted the war?] The right hon. Gentleman asked who conducted the war? That question, "Who conducted?" seemed to be of very great importance to hon. Gentlemen opposite; who conducted a policy, seemed to be with them a very significant feature with regard to the policy itself. Many things, for instance, had been proposed by the late Ministers, which when "conducted" by the right hon. Baronet were received in quite a different spirit. However, the balance-sheet of the right hon. Gentleman included the money received on account of the China war. But if the 755,000*l.* so received were deducted from the receipts, it would leave the deficiency on the year at something above 3,000,000*l.*; and if to that were added the right hon. Baronet's expected balance of 500,000*l.* that had not been realized, it would be found that the actual deficiency as compared with the amount calculated on by the right hon. Baronet in proposing his financial scheme fell little short of 4,000,000*l.* But the right hon. Gentleman laid great stress on the non-receipt of the Income-tax. Why, even if the whole of the produce of that tax for the year had been received, still the right hon. Gentleman's balance would not have been made out but for the amount received on account of the China war, an amount of no less than 750,000*l.*; that was not calculated at all. So much for the right hon. Gentleman's general calculations. There were one or two other points, however, on which the right hon. Gentleman had laid information on the Table on which he thought it was desirable the public attention should be directed. When making his financial statement last year, the right hon. Baronet expected to raise 140,000*l.* on coals and 250,000*l.* on spirits. What had been actually realised? It appeared from the papers on the table, that the whole year's revenue from the coal duties would be about 100,000*l.* The three quarters had yielded 75,000*l.*, therefore he calculated that as the produce of the whole year. But the right hon. Gentleman had omitted to tell them that even this sum of 100,000*l.* was not all clear gain. No less than 12,000*l.* had been received on account of the old duty. With that reduction it came to 88,000*l.* He could not go further into the calculation, but the right hon. Gentleman had not told them what was the increased expenditure of raising the tax. However, he would put it at 88,000*l.* instead of the 140,000*l.*, and that he thought was a very liberal calculation; but had the right hon. Gentleman done nothing else in laying on this tax? Had he not affected the trade in coal? Had he not checked a rising trade, and one of the standbyes of the shipping interest in times of difficulty? Within the last two years there had been a decrease of 257,000 tons in the amount of shipping in certain ports of this country. From 911,078 tons it had been reduced to 654,000 tons. That was a very heavy loss to an increasing and flourishing trade. But one of the advantages which they were told would arise from this tax was, that it would be paid by the foreigner, and not by the Englishman. He had always thought this was a dangerous argument for England to use—no doubt it would be agreeable, if they were obliged to lay on any tax at all, to lay it on the foreigner rather than the Englishman; but it was still a great misfortune, he thought, to tell the foreigner, that for the purpose of raising 140,000*l.* they would do all they could to check his manufactures, and at the same time to preach to him the doctrines of free trade. But what was the fact? The fact was, as they would hear from those hon. Gentlemen on the other side connected with the coal trade, that they had not succeeded in laying this tax upon the foreigner, but that they had divided it—he could not say in what proportions—between the shipping interest, in the freight, and the coal owners in the price they received for their coals. So that even the reason by which they made the tax popular at the time had slipped from under them: for the tax had fallen upon this country and upon the shipping interest, to which the policy and circumstances of the time made it desirable for them to have given every possible assistance. He saw hon. Gentlemen on the other side who took part in imposing the coal duty, and he should be glad to hear their opinions, for he held them fairly responsible for this tax. He did not believe that this tax would have ever passed the House if hon. Gentlemen on the other side connected with the coal districts had not given their support to the Government on the measure. But now let the House see what this arrangement, to which they were parties, had produced, and let the House understand what had been the fruits of the bargain they had made. He came next to a subject to which he adverted with considerable pain, and the results of which were of a very serious nature—he meant the Irish spirit duties. The right hon. Gentleman had admitted, that instead of getting 250,000*l.* he had realized only 56,000*l.*; therefore that duty, as a revenue consideration, was hardly worth anything. But he believed, that if it were really the case, and he was afraid it was, that by increasing that duty they had roused again the desire for smuggling in Ireland, no money revenue derived to the Exchequer could be an equivalent in advantage to the calamity it had caused to that country. He was not speaking in the spirit of party, because he said last year that he thought in the 4*d.* duty which he himself had laid on he had made a financial mistake; he certainly did not get any revenue, and he warned the right hon. Gentleman not to follow out his mistake to the extent the right hon. Gentleman proposed. But in the mistake which he made he only lost the revenue he expected; he did not produce fresh smuggling. He wished he could think the right hon. Gentleman's measure was merely a loss to the revenue. He found by the returns which the right hon. Gentleman had laid on the table, that the number of prisoners under the revenue laws in the gaols of Ireland on the 5th of January, 1842, was 52; whilst on the 5th of January, 1843, they had increased to 225, being an increase of 173 in one year. Again the detections for the quarter ending the 5th of January, 1843, amounted to 1,043, instead of 193, the number in the corresponding quarter of 1842, an enormous increase. But taking the two quarters ending in January and April of this year, he found that the number of prosecutions was 1,073, an amount much larger than the whole amount of prosecutions in 1841 and 1842, the number of prosecutions in two quarters being considerably above the number of all the prosecutions under the revenue laws in the two former years. He could not help calling the attention of the right hon. Gentleman to these facts, because he felt assured that the right hon. Gentleman could have no other wish on this subject than he had, and he could not think that the right hon. Gentleman could close his ears to the opinions of persons connected with Ireland when those facts were staring him in the face. The right hon. Gentleman might argue as long as he would, but with these facts before him it was hardly possible to persuade any reasonable person that the increase of duty had not been the cause of the increase of smuggling and increase of crimes to which he had alluded. But if the right hon. Gentleman or the Government were determined to continue this plan without reference to the revenue—though it was not worth consideration as regarded revenue—he thought it became the duty of those hon. Gentlemen who were connected with Ireland and that House to show that they were not anxious, whilst they were doing all they could to benefit the poorer classes of England, to allow a law to continue which he believed was operating most injuriously to the poorer classes of the sister kingdom. The right hon. Gentleman had stated that the amount of the income-tax was much larger than what was calculated on — about 1,300,000*l.* more than the right hon. Baronet had estimated. He did not feel surprised at the right hon. Baronet's miscalculation. It was almost impossible to make any fair estimate of the Income-tax; and, therefore, if the right hon. Gentleman got a little more than he had expected, he could only express his satisfaction, as it rendered the deficiency less than it would otherwise have been. But if the right hon. Gentleman got a little more on the Income-tax, let him recollect the conditions upon which that tax was imposed. Part of that tax was laid on with the view of obtaining a relaxation in the commercial system. He had got a million and more increase on the Income-tax, and let the right hon. Gentleman not, then, think them unreasonable if they asked for a little more relaxation in their commercial system than he had given. The right hon. Gentleman had stated his expenditure and income in the present year; but the statements were rather contradictory. He was afraid that, looking to the question as a question of figures, the right hon. Gentleman had not the surplus which he stated. He had to pay for the opium seized in China, 1,220,000*l.*, and for the expences of the Indian government 800,000*l.*, making together 2,020,000*l.*; but then, said, the right hon. Gentleman, he could pay it by postponing it, and repay it by the Chinese money to come in future years. That was not stating the amount of the income and expenditure fairly. The right hon. Gentleman said he must postpone the debt to be repaid by the Chinese money which was hereafter to come in; but 800,000*l.* of that

Chinese money he would take for the expenditure of the present year. If, therefore, his (Mr. Baring's) figures were correct, the right hon. Gentleman had in fact, no surplus; but he would take the figures of the right hon. Gentleman. The right hon. Gentleman said he had a surplus of 760,000*l.*; with such a surplus, he was perfectly willing to admit to the right hon. Gentleman that he was not one who could advise a very large remission of taxation. But there were points in their system where the reduction of protective duties would by no means produce loss of revenue; on the contrary, would increase it. What said the right hon. Gentleman to sugar? They were now free to deal with that article. They were changed a little with reference to the feeling upon that subject. Upon the resolution which turned him and his colleagues out of the Government slavery was the chief question, and the price of sugar was only the parenthesis. But it appeared, that now the parenthesis was slavery and the question was, whether they could make a good commercial bargain with Brazil? Mr. Ellis had not troubled himself about slavery, he had not said anything about the negroes. As soon as he found he could not make terms, unexceptionable as commercial terms, Mr. Ellis packed up and advertised his goods for sale. Sugar, however, was a subject which would come again before them of necessity. But if they were enabled to make any great remission of taxation to the public, he did think it the duty of that House to adopt the means still in their power to give the advantage to the public by a new organization of duty for that purpose. The right hon. Gentleman's own speech had furnished arguments in favour of such a course; for when the right hon. Gentleman went through those articles upon which the duties had been reduced, he showed that those which had answered the helm were those of immediate consumption among the poorer classes—particularly coffee, that article which was not only in itself an article highly advantageous for their consumption, but the article which best met and combatted the consumption of spirits, and had a tendency to foster and spread habits of temperance. The right hon. Gentleman had said he had expected to lose 170,000*l.* upon coffee, but he found he had not lost anything. Let him try sugar, then, the articles went very naturally together, and he (Mr. Baring) thought that the right hon. Gentleman would not be a bit the worse off in his revenue, while he would give one of the greatest comforts to the poor, and indeed to all classes of the community, which he could possibly confer upon them. If the Government were determined to make no reduction whatever, but to leave our commercial system exactly as it now stood, it would then, he thought, become the duty of every hon. Member to give the House an opportunity of judging for itself, by bringing forward the question. He would not now trouble the House longer; he had done his best to oppose the imposition of the Income-tax, and he had not changed the opinions he then expressed. Holding those opinions, however, so strongly as he did, he at the same time did not feel it to be his duty, in the present state of the revenue, to press for a repeal of that tax. But as that tax had been more productive than had been expected, he should venture to impress upon the House the necessity of giving to the people the full advantages for which they had paid.

Sir *R. Peel* said, Sir, the right hon. Gentleman has given notice that an opportunity will arise for entering into a detailed discussion with respect to several of the matters connected with the trade of the country; and I think it more consistent with the public interest and the usage which has been generally observed upon similar occasions, to avoid entering into a discussion upon particular articles until that opportunity shall present itself. I must say, I think the temper and general tone of the right hon. Gentleman were worthy of the situation he formerly held, and his determination to uphold the revenue in its present state, and not to hazard it by an undue reduction of taxation, were such as might be expected from his public character. The right hon. Gentleman says, that last year I was particularly severe with respect to the failure of the produce of the 5 per cent. additional duty upon the Customs and Excise. I cannot say I think the right hon. Gentleman is borne out by the facts of the case. The estimates of persons making financial statements are liable to error—their expectations may be disappointed—they profess, in short, only to give estimates, and are not to be severely blamed if the estimates are not perfectly true. The right hon. Gentleman expected a considerable sum from the addition of 5 per cent, to the Customs and Excise duties, and in that he was disappointed. But when I commented upon it, the circumstances out of which my comments arose were these:—I found a great deficiency in the public revenue. I was then considering how the deficiency might be made up. I said, shall I revive the tax upon leather? Shall I revert to the tax upon salt? Shall I re-impose the duty upon beer? or shall I follow the course taken by the right hon. Gentleman and propose a general addition to the duties of Customs and Excise? I was then discussing all the possible means of supplying the deficiency. I rejected them, and I said I thought it would be most unwise to tax articles which entered into the consumption of the great body of the people; that I doubted whether or no, if I did attempt to impose such a tax, the result would be to gain the required sum of money, and I came to the resolution, that upon the whole it was desirable to make a great effort to repair the deficiency in the revenue, by a tax upon property rather than upon articles of consumption; but what I said upon that subject was this:—

> "I must here observe, that I am now merely exhausting the different means by which men might contemplate the supplying of the deficiency, and trying to show that increased taxation upon any articles of consumption will not afford relief. I wish to carry your judgment along with me. I said that the net produce of the Customs and Excise in the year ending the 5th of January, 1840, was 37,911,000*l.*, and the estimated increase in the Customs and Excise by the additional 5 per cent. was 1,895,000*l.* Comparing, therefore, the income from Customs and Excise in 1840 with that in 1842—and I take 1842 in preference to 1841, because you can thus more fairly estimate the effect of the increased duty—I find, while the estimated produce of the Customs and Excise was 39,807,000*l.*, the actual produce was only 38,118,000*l.*, the actual increase being, instead of 1,895,000*l.*, only 206,000*l.*; not 5 per cent. increase in the amount of revenue, but little more than one-half per cent. realised in the attempt to impose 5 per cent. additional duty. In the depression of trade there may, undoubtedly be circumstances sufficient to account for the expectations of the right hon. Gentleman not having been realised, but still, making every abatement for these causes of decrease, I think it impossible not to admit that 5 per cent. increase of duty on articles of consumption would not produce 5 per cent. in net amount to the revenue."

That was the conclusion to which I came. The right hon. Gentleman was wrong in his, as I fairly admit I have been, in my calculations: I made them upon the usual data, but nothing can be more doubtful than an estimate. However, when the right hon. Gentleman made the proposition of adding 5 per cent. to the Customs and Excise, he did not receive from me a very cordial support, and I said, I thought upon the whole, that instead of levying a new tax on consumption, he was wise in attempting to raise the required amount of revenue by the addition of a per centage on the Customs and Excise. The right hon. Gentleman was disappointed to the extent of 1,600,000*l.* However, I only referred to that to show that it was not politic to propose any great addition to the duties upon articles of consumption. Then, with respect to the great advantages to result from the imposition of the Income-tax, what I stated was this—that the imposition of an income-tax would enable me to make considerable reductions in the duties on articles of consumption; and I ventured to utter this prediction—I will quote the very words I then used—I said—

> "I propose that the income of this country should bear a charge not exceeding 7*d.* in the pound, which will not amount to 3 per cent., but, speaking accurately, 2*l.* 18*s.* 4*d.* per cent., for the purpose of not only supplying the deficiency in the revenue, but of enabling me with confidence and satisfaction to propose great commercial reforms, which will afford a hope of reviving commerce, and such an improvement in the manufacturing interests as will re-act on every other interest in the country; and by diminishing the prices of the articles of consumption and the cost of living will in a pecuniary point of view compensate you for your present sacrifices."

Now, although that prediction has been said to be falsified, I must say I think there has been from some cause or other that reduction in the price of the main articles of consumption that to a person exercising due economy will compensate the amount of 2*l.* 18*s.* 4*d.* per cent. which he pays in the shape of Income-tax. I take the case of a person with 300*l.* a-year, having to pay on each 100*l.* 2*l.* 18*s.* 4*d.*—I very much doubt whether in the case of that man the reduction in the price of the various great articles of consumption does not, in point of fact, fully compensate him for the charge of between 8*l.* and 9*l.* he pays as a tax on income. So I say of a man with 5,000*l.* a-year. He is called upon to pay 150*l.* as income-tax; if he is perfectly regardless of the fall in prices—if he do not take advantage of competition—if he will let retail dealers charge what they please, very well—he will have no compensation; but if he makes inquiry—if he looks after his own concerns, and avails himself of the lowness of prices, the man with 5,000 per annum can, with the present price of articles of consumption, effect a saving in his annual expenditure of more than 150*l*. That was the prediction I made when I introduced the income-tax. You may say the result has arisen from other causes; you may attribute it to a good harvest, or to something else; but the fact, I think, cannot be denied, that for every 2*l*. 18*s*. 4*d*. per annum paid upon 100*l*. income, there is an opportunity of making a saving of much more than that amount. At least, I know I have had the satisfaction of receiving various communications from parties possessing small and large incomes, in which they admit that by the exercise of proper economy a greater saving than I then predicted may fairly be made. I have been told by one hon. Gentleman that in the article of timber alone he expects to realize a saving that will compensate him for the payment of the Income-tax. I made another prediction—that the reduction of the duties on several of those articles which entered largely into manufactures might afford the hope of reviving commerce. Certainly, without speaking sanguinely of the revival that has taken place, I expected it would have taken place at an earlier period. I did not contemplate the long continued depression that we have had to encounter. In fact, the continuance of that depression accompanied with great pressure on the working classes, necessarily entailing upon them great privations, and causing a reduced consumption of many articles, has mainly contributed to defeat the calculations I made, and to prevent the receipt of that amount of revenue which I anticipated. I am not speaking too sanguinely now. I shall not venture, after such frequent disappointments, to excite too great expectations; but I cannot help thinking that the facts to which my right hon. Friend has referred as having arisen within the last three or four months, do entitle us to entertain the expectation that the worst is past, and there is a hope of a progressive revival in the commerce of this country. The articles to which my right hon. Friend referred are articles in which a reduction of duty took place, and they are largely used in manufactures—olive oil for instance. Then there is the great increase in the consumption of cotton. Then I hope we have seen the commencement of the recovery from depression in the wool trade; and I think such a combination of circumstances warrants the hope that we are about to see a revival in the commercial and manufacturing interests of the country. I deeply regret to see the depression continue in some branches of industry—in the iron trade, in the coal trade; and I am afraid the hardware trade has not yet shown any symptom of material recovery. But, looking at what has taken place in the cotton districts, and what is beginning to take place, I trust, in the woollen districts—looking at the demand for articles which enter as elements of manufactures, I cannot help entertaining the conviction, although the expectations I held out have been deferred, still there is now a prospect they will be realized so far as they refer to a revival of the manufacturing industry and commercial prosperity of the country. I do hope the House will not press on the Government in the present state of the revenue hasty and precipitate reductions of taxation; and that they will not forget the advantages they derive from the maintenance of public credit. It is impossible to deny that if the state of the finances of this country were prosperous, there might be an opportunity of reconsidering with advantage several of our duties. I do not deny it; but I entreat the House to bear in mind that, comparing our revenue with our expenditure, there does remain still, at least there did remain in the last year, a deficiency—if the whole receipts of the Income-tax had been realized within the year, we cannot deny that there was a deficiency in the last year. The right hon. Gentleman says he does not now call for the abolition of the Income-tax. I think in the present state of the revenue there are few that would advise a repeal of the tax on property and income. I think there are few who will not admit that if the financial proposals of the late Government had been carried into effect, they would not have caused such an increase in the revenue of the country as to dispense with the necessity for an Income-tax. Where should we have been now if the Income-tax had not been imposed? There is a deficiency now. In discussions upon the Budget it has always been usual to avoid anything like asperity or party spirit. I shall studiously avoid it upon the present occasion. There is no doubt a deficiency on the last year of 2,400,000*l.*, but there are the arrears of the Income-tax due, which, if you could now realize and pay them at once into the Exchequer, would considerably repair that deficiency; but there would still be a balance against you. The deficiency, therefore, of this year is not precisely of the same character as those of former years, because the arrears due if raised would redress the balance. When I proposed the Income-tax, what was the fact? The deficiency was not casual; there had been a growing deficiency for five or six years, and the full amount of the deficiency at the close of the year, when I proposed the Income-tax, was not less than 10,000,000*l.* There was an increase of the debt in a time of peace to the amount of at least 10,000,000*l.* for the year ending 1842. The late Government, it is true, proposed a modification in the existing corn and sugar duties, but it can be conclusively proved, and I think they themselves will admit, that if their proposals had received the sanction of Parliament, still the state of the revenue, as compared with the expenditure, on account of the Chinese and other wars in which we were engaged, would have rendered it imperatively necessary to resort to some other scheme for the purpose of raising additional income; and I now doubt whether any measure could have been devised for raising a sum approaching to 5,000,000*l.* half so free from objection as that which I proposed—namely, the Income-tax. What other measure can now be suggested? The hon. Member for Montrose says, reduce your estimates to the amount of 4,000,000*l.* during the present year. Her Majesty's Government have paid the utmost attention to this subject. They have considered the demands on our naval, military, and ordnance service from every part of the globe; they have looked at the duties demanded of those who form that service, and they have come to the firm conviction that it is impossible, without endangering the health of the men employed, without sacrificing the efficiency of the public service, and probably increasing the expenditure greatly hereafter, that any such reduction could be made; and I apprehend that upon that point there will be a concurrent, almost unanimous, opinion of the House. Very few hon. Members, looking at the state of the army, looking at the navy, looking at the demand for protection to commerce in every quarter of the world, believed that in the course of the present year we could have effected so great a reduction in our estimates. But we have in the present year, made such reductions as we thought consistent with the efficiency of the public service, and effected a saving of 800,000*l.*; and these reductions have met with general assent. I did propose certainly, that a vigorous effort should be made to replenish the public coffers by a tax on property. Although the estimates I made may have been incorrect, and although the period of revival of trade has been postponed beyond my anticipations, I see nothing in what has passed to discredit the policy of the great measure I then proposed—namely, the attempt to raise additional revenue by a tax on income. At the same time I admit, that the existence of a tax is no reason to continue it if it be proved to be injurious, and it is now open to any hon. Member to propose a substitute. But if it were proposed to repeal the tax, and substitute other taxation in its room, I feel perfectly convinced that a vast majority would support me in attempting to give effect to the experiment I made last year. The right hon. Gentleman (Mr. F. Baring), and others have said, that the imposition of the Income-tax had caused the defalcation in other branches of the revenue. I doubt that. The defalcation in other branches of the revenue have been caused by depression of trade, not from the imposition of the Income-tax. The receipt of a larger sum than I calculated upon only fortifies me in the opinion, that it was wiser in the present state of the country to obtain additional revenue from a tax on property rather than by increasing the taxes on articles of consumption. If there be any particular class of taxation that ought to be affected by the imposition of the Property-tax, it is that of the assessed taxes. I was distinctly told, that the effect of the Property-tax would be most apparent on the assessed-taxes. I still doubt whether it will be the case; I doubt whether reductions in the Excise and Customs can be attributed with justice to the Income-tax. If there were a great falling off in the assessed-taxes, then, you might with some justice argue that that defalcation was caused by the increased tax on property. But the actual falling off in the receipt of the assessed taxes is only 200,000*l.* on a receipt of 4,400,000*l.*, and, judging from any notices which have been given, I certainly have no reason to anticipate that the burthen on property on account of the Income-tax will to any very materal extent affect the receipts under the assessed taxes. We must hope too, that the revival of trade, and the demand for manufactures owing to the reductions of duty which have taken place, will more than counterbalance to the people the amount of the tax. As yet we have not seen the injurious effect of the Property-tax, either on the actual receipts of the assessed or any other taxes. With respect to the coal-duty, the sugar-duty, and the duty upon any other article, there appears to be a prospect of having them submitted to the House in detail upon some future occasion, and till then I think it will be infinitely better to reserve the discussion. I, at least, shall for one abstain from discussing them at present. It would have been infinitely more gratifying to me and my colleagues to be enabled on account of the state of the revenue to have proceeded in the course of the remission of duties on which we entered last Session. My conviction of the principles which ought to govern the remission of duties, I must own, has been confirmed rather than abated in force by the experience we have had of the past. I wish most sincerely we could have reconciled it with our duty to have proposed further reductions in some duties; but in the present state of the revenue, adverting to the still continued deficit as compared to the expenditure, looking to the great importance even in a commercial point of view of maintaining public credit, we have come unwillingly to the conclusion, that it is not consistent with our public duty to propose the remission of taxation on articles of consumption, which would have been most agreeable to our feelings could we have reconciled it to our duty.

Lord *J. Russell* said, the right hon. Gentleman had, in defending his own financial administration, made some assertions with respect to the past on which he could not refrain from giving an opinion very different from that pronounced by the right hon. Gentleman. The right hon. Gentleman said, that if the propositions of the late Government in 1841 had been adopted by Parliament, it would still have been necessary to impose a tax in the nature of an Income and Property-tax. Now, it appeared to him if that course had been taken, such a tax would have been altogether unnecessary. When his right hon. Friend proposed his scheme, the deficiency was 2,500,000*l.*, and his right hon. Friend calculated that the changes would produce 1,900,000*l.* to the revenue. His right hon. Friend had at the time, and again last year, produced sufficient vouchers for the estimates he made. Suppose they had been anything like the truth, the effect of carrying out that scheme would have been just the reverse of the Income-tax, because the scheme of his right hon. Friend was founded on the proposal of increasing the trade of the country, admitting, in the first case, sugar, which was prohibited—admitting corn more easily on a fixed duty, so that commerce would not have been interrupted, and regulating the duties on timber. These three measures would have afforded the means of increased consumption, and would consequently have increased the revenue. Any deficiency, therefore, in the revenue, even if it had amounted to 700,000*l.*, or 800,000*l.*, would have been fully made up by an increased trade. His belief, therefore, was, if they had adopted the propositions of his right hon. Friend, that at the end of the next financial year, although they might have found some deficiency, the increase of trade would have been sufficient to supply that deficiency, and, if so, he did not think that either the Government or Parliament would have thought it necessary to adopt an Income-tax. The course which the right hon. Baronet (Sir Robert Peel) had taken was very different. The House should observe, that the whole deficiency, amounting to 2,500,000*l.* had been supplied, in the first instance, by loan, or in other words, by the issuing of Exchequer Bills. Last year, the right hon. Gentleman stated the whole amount of the deficiency, and what was likely to occur next year, if measures were not taken to supply it, and then the right hon. Gentleman proposed the very onerous tax which now existed under the name of an Income and Property-tax. In 1833, the right hon. Gentleman had stated, that the effect of an Income-tax would be to diminish the employment of labour, and put an end to many occupations that depended on small capital; and, taking the defalcations in the Customs' and Excise, amounting to nearly 2,000,000*l.* in conjunction with the amount received from the Income-tax, the right hon. Gentleman's own experience proved the truth of his observations. By the adoption of his own plans, the right hon. Gentleman had a deficiency, in the two years, to contend with of no less than 4,700,000*l.* The statement made by the right hon. Gentleman, the Chancellor of the Exchequer, was far from satisfactory. It was unsatisfactory as describing the state of the country, of our foreign trade, and of our internal consumption; it was also unsatisfactory with regard to the present state of our finances. If his right hon. Friend had to make such a statement, he would have made it appear, as he thought it would appear to the House, that for the next year, there would be a considerable deficiency. The right hon. Gentleman had 800,000*l.* to pay for expences in China, and 1,200,000*l.* for compensation for the seizure of opium; putting these sums together, he made a charge of 2,000,000*l.* But the right hon. Gentleman had received 800,000*l.* from China, in part payment of the sum stipulated to be paid by China to this country. It would seem to him that the course of financial statements was, that one sum should be set against another; and to say, that although the Government had such a sum to pay for military operations in China, yet, on the other hand, they had such a sum in the Exchequer received from China, and therefore there was no provision to be made for that sum. But the right hon. Gentleman took a vote for the 800,000*l.* for military operations in China, and then put the sum which he had received from the Emperor of China to the credit of the year. If the regular course had been adopted, and the sum of 1,200,000*l.* which was to be paid as compensation on account of opium had been acknowledged, there would have been a sum of 750,000*l.* more to be added to the deficiency of the financial year. Under the circumstances of the country, and with this deficiency in its finances, it appeared to him that it would not be wise for the House to adopt any proposition for any great reduction of taxation. And when the right hon. Baronet said, that those who objected to the Income-tax might now propose to repeal it, and substitute for it some other tax, he begged to say that the question for the present year was totally different to what it was last year. Nothing could be more impolitic or more burthensome to the country than to impose a tax one year and take it off for the next, for the purpose of imposing some equivalent tax in some other shape. Therefore, however burthensome an Income-tax might be, still, as it had been imposed for three years, he should say, let it run out its due course, and when the time should be expired no doubt Parliament would very seriously consider whether it ought to continue it a moment longer. With respect to other measures, he did not think the right hon. Gentleman the (Chancellor of the Exchequer) had ever paid sufficient attention to the proposition made by his right hon. Friend (Mr. F. Baring) in 1841, with respect to the reduction of the very high prohibitory duties on many articles. The right hon. Gentleman stated last year that he could not reduce those high duties without reducing, at all events for the first year, the amount of revenue. But he must say that there were some duties it was very possible to reduce without running any considerable risk of affecting the revenue. With respect to the duty on sugar, for instance, what possible risk of loss to the revenue could be incurred by reducing the duty of 63*s.* per cwt. on foreign sugar? Was it not obvious that the reduction would cause an increase of consumption? Then, again, with respect to other articles; by the reduction of the duties on them fair trade would be promoted, which was now invaded by smuggling. Reducing the duty to make trade compatible with your laws and obviate smuggling, would be completely in accordance with the professions of the Government last year. As matters now stood, her Majesty's Government appeared to be halting in their course. With regard to some articles they stopped short, and they now appeared to be halting, without any good reason, in the course which they pursued last year. When the noble Lord, the Member for Sunderland (Lord Howick), brought forward his motion last year, it was said that the ministers ought to be allowed a certain time to consider and bring forward their own measures. The time had now arrived, and almost the latest time when such measures could be brought forward, and what was it that they heard? The right hon. Gentleman the Chancellor of the Exchequer, and the right hon. Baronet, had told the House that no measures were to be brought forward; therefore the statement of the right hon. Gentleman not only afforded no hope, but must create great disappointment. The Chancellor of the Exchequer might, in some respects, be rather too low in his estimate; a better return of revenue might be expected; still the right hon. Gentleman had given no hope of the reduction or of the abolition of any tax. With respect to any measure of improvement the House was told not to hope for any from the Government. Though there might be some reason in the present state of the finances of the country for her Majesty's Ministers to adopt that course of inaction, yet it by no means precluded independent Members of the House to consider whether they might not propose measures in conformity with the principles which the Government themselves laid down so absolutely last year, and which might tend to carry out and complete that policy which they themselves began.

Mr. *S. Wortley* believed the diminution of the revenue was attributable to other causes than those stated by the noble Lord who had just sat down, and by other hon. Members who had spoken from the noble Lord's side of the House. With respect to the Income-tax, unwelcome as that impost had always been to the great bulk of the people, his belief was, that its unpopularity in the present day was surprisingly small, and that fact was partly to be attributed to the strong conviction in the mind of the people that the occasion on which it had been imposed was one which justified the tax, and which exhibited a necessity for its imposition. On that occasion he should pursue the course recommended by previous speakers, and apply himself only to the general tenor of the financial statement without discussing any of the means of taxation or the sources of revenue which hereafter might be brought under the consideration of the House. But though he had no wish to occupy the time or attention of the House on this occasion, he could not help expressing his deep regret that his right hon. Friend the Chancellor of the Exchequer did not even now think it was in his power to concede the repeal of the import duties on a raw material for manufacture, which might be urged upon grounds well worthy of his consideration and that of the House when dealing with commercial legislation. The duty to which he alluded was that now imposed upon the importation of foreign wools. The parties engaged in the manufacture of that material and in that trade had, he must say, been very unfairly dealt with. After the declared intention of the Government to reduce all taxes upon raw materials for manufacture, in some cases to a nominal duty, and in none exceeding 5 per cent., he must observe, that to leave a tax which amounted to no less than from 10 to 25 per cent. upon a raw material, in contradiction of all that had been promised by his right hon. Friend at the head of the Government, was a course of proceeding very much to be deplored. He felt all the difficulties in which his right hon. Friend the Chancellor of the Exchequer was placed, and which he had to contend in the present state of the finances of the country, and like the noble Lord opposite (Lord J. Russell) he should be unwilling to press for the concession of any source of revenue in any degree that would be calculated to embarrass the Government, but when he saw the small amount derived from this source, an amount not exceeding 100,000*l.* per annum—when he observed that even that amount was a falling-off of one quarter in the course of the previous year,—when it was found that the trade from which this amount of duty was derived was in the regular course of decline —when it was borne in mind that the amount of duty, though small, was just enough to turn the scale against the manufacturers—and when, above all, the striking fact was notorious, that at the time the Chinese trade was opened to the merchants of this country, and had given an impulse to the cotton manufactures, the exporters of woollens to that new market went to Belgium for that commodity, imported it into this country, and shipped it to China as English manufacture—it appeared to him there would be no risk to the revenue by giving the assistance desired to one of the most ancient and extensive trades of the country. He repeated that he was unwilling to press his right hon. Friend the Chancellor of the Exchequer upon this or any other point which might embarrass his operations in a financial point of view, but with respect to the case of raw wool it could not be forgotten that it was a commodity which had something like a moral claim upon the Government for relief; because the duty on the export of British wool had been entirely removed or reduced, and because it had been promised to the woollen manufacturers of this country that the import and export duties on the raw material should be placed upon the same footing; and yet from that time to the present they had been left in the same condition with import duties impeding their trade and traffic, and giving a direct advantage to the foreign manufacturers. Having said thus much, it would be useless for him to consume further the time of the House; but considering the position in which he stood, considering the vast number of his constituents who were deeply interested in the operation of these duties, he could not avoid thus expressing his regret that this small amount of revenue could not be dispensed with. He was sure, on the part of his right hon. Friend the Chancellor of the Exchequer, there was not a want of will to give this relief. He gave his right hon. Friend credit for the conscientious conviction that his duty to the country forbade him to abandon this source of revenue. On the whole, however, in spite of the number of observations which had been made upon the statement of his right hon. Friend, he was not disposed to find so great fault with it. Though it might not in all respects be satisfactory, still, it must be recollected, that neither the House nor the country expected anything very exhilarating in the financial statements for the present year, and with the knowledge he had of the improved condition of the manufactures in those districts with which he was connected, he could not, on the whole, think there was much ground for questioning the probability of his right hon. Friend's anticipations being fulfilled, and that in the course of the next financial year he would be found in the possession of a surplus revenue.

Viscount *Howick* could not agree with the hon. Gentleman who had spoken as to the nature of the statement made by the Chancellor of the Exchequer this evening; on the contrary, he thought, that statement was one calculated to excite very great apprehension and anxiety in the minds of all those who took a serious and deliberate view of the present state of our finances. He confessed he had been rather prepared for such a statement, when he observed the change of performers which had taken place since. Last year, the First Lord of the Treasury, with a great flourish of trumpets, brought forward the financial statement before the House; but this year the task was assigned to the right hon. Gentleman, the Chancellor of the Exchequer, and not undertaken by the right hon. Baronet himself. This circumstance alone had prepared him to expect that there would be nothing very cheering—nothing which would be very satisfactory to tell in the statement to be made to Parliament, and now that they had heard it, this anticipation proved to have been too well founded, and the statement first made, giving ground for considerable alarm and anxiety. For what was the result of that statement? Why, they were told, that in spite of the great sacrifices they had made, in spite of their submitting to a tax most justly unpopular, and which had proved liable, in practice, to every objection urged against it when originally proposed — in spite of the Income-tax, they saw that, instead of the income and expenditure of the country being equalised, there was a deficiency of two millions and a half. They saw, also, in spite of that tax—and other taxes imposed, and, as he thought, contrary to every principle of sound financial policy—the prospect of another deficiency for the ensuing year. It seemed to him utterly impossible that a great financial scheme could have more entirely failed than had failed that scheme which was brought before the House of Commons last year, with so much preparation, and so much pompous pretension. How had the result corresponded with the promises then held out to them? They had been told, that great sacrifices were necessary to be made, but that great advantages were to be had in return; that the taxes which were to be imposed were to be distributed in such a manner as would make them of very little burthen to the country. The right hon. Baronet began with the Income-tax, and told them on the occasion of imposing it, as the right hon. Baronet had, much to his surprise, contended to night, that the burthen of the tax was made up to the people by the reduction of the price of provisions, which his other measures effected. He was curious to know, how that could be reconciled with the arguments they so frequently heard, that the tariff and the new Corn-law had nothing to do with the reduction of prices of agricultural produce, of which the farmers so much complained. The difference which existed upon this point between the hon. Gentlemen connected with agriculture, and the right hon. Baronet was one which he, considering the high authorities on both sides, could not presume to decide. He left the question to those who had spoken at Wallingford, at Aylesbury, and at other places with so much edification to their hearers. Then came the question with regard to the duty on Irish spirits. His right hon. Friend had shown, in a manner quite unanswerable, the utter failure, the worse than utter failure of the financial measures of the Government. He had shown the great and irreparable injury which the revenue on spirits had sustained; and although the right hon. Baronet had said he would postpone the discussion of details till another time, still he could not agree, that they ought to observe an entire silence upon them. It might serve the purpose of the right hon. Baronet to keep silence, but he confessed he did not think he should be wrong in taking the present opportunity for stating his opinion with respect to some of the topics embraced in the statement of the right hon. Gentleman. But then there was another tax, which he had opposed last year, and to which he now wished to call the attention of the House and the right hon. Baronet, in order that both might see, and both be convinced, how much injury that tax had inflicted, and how little benefit had been derived from it; he alluded to the duty imposed upon the export of coals. It was really necessary for them to look back a little, and see what was the state of things, when this tax was about to be imposed by her Majesty's Government. He found, that one argument made use of by Government in favour of this imposition was, that a tax had already been imposed upon the article, by foreign nations. It might be fair and proper in a foreign government, if it so pleased, to impose a duty on an article to be consumed by its own subjects; that might be proper. He did not now say one word as to the policy of the proceeding; but in that case the tax fell on the subjects of the foreign government. They had never heard any one argue, that it was the Portuguese that paid the duty on port wines. It was the persons who drank the wine in this country, who paid the duty. The Government had taken a different view of such a tax, and seemed to consider that a duty could be imposed upon coals, and a revenue derived from it, which foreigners would have to pay, without crippling the trade. The Government proposed to raise from this source a revenue of 140,000*l.* a-year. He was then referring to the original proposition of the Government, and he alluded to it, to show how little reliance was to be placed upon such a calculation. And now his right hon. Friend had shown the House, that instead of their gaining 140,000*l.*, they had gained only 80,000*l.*, not a great deal more than one-half what had been calculated upon. He now asked the House whether it was for such an object as 80,000*l.* they would incur all the evils that had been experienced in this one branch of their trade? The former duty upon coals had been repealed in the year 1834. From the moment of that repeal the trade had made a spring forward; it was advancing constantly, rapidly, until the imposition of the duty. Before last year, when the notice of the imposition of the duty was given, persons conversant with the trade said that there could be no doubt entertained as to its progressive improvement. But what was the consequence when it was found that the duty was to be imposed. In the last half-year of 1842, during the time that the duty was imposed, the export of coals had fallen to 598,000 tons from 751,000 tons. It had fallen off not less than 153,000 tons, that was nearly the one-third of the whole amount exported to foreign countries. But he knew how this would be answered. It would be stated, that the conclusion of last year was not a test of the state of the trade, because in order to avoid the tax an effort was made to ship abroad as much coals as could be sent, and that, therefore, in the last half-year less would have been sent than in the natural course of trade would otherwise have been forwarded. To a certain extent he was prepared to admit that the argument was correct; but then, they had to consider that the operation of a duty of this kind would not be felt immediately to its full extent. Arrangements required to be made for the increased production that would be demanded from the foreign producers. These foreigners would have to make large investments to increase their hands, and until those were in operation our coal owners would not feel all the effects of foreign competition. Besides, large orders had been received before the imposition of the duty, and some of these could not be completed before the duty came into operation; and whether there were a loss or gain, the parties were bound to make the export, so that the one state of facts might be set against the other. The fairest test they could have would be the exports for the quarter ending in April in the last year, and the quarter ending in the April of this year. In April of last year the intention to impose a duty was not known. So far as it could affect the exports in that quarter, and, therefore, practically speaking, it was not known. The exports were then made independent of any financial measure and unaffected by it; and, in the same way, the trade might be considered on a permanent footing in the last quarter, except in so far as that the foreigners were not yet as well prepared for the competition as they would be with our producers. Taking, then, the quarter ending in April last year, and the quarter ending in April this year, they had, he conceived, the fairest test that could be supplied as to the actual state of trade. In the quarter ending in April 1842, the export of coals to foreign nations was 389,000 tons, and in the quarter ending in April 1843, the exports was 250,000 tons, showing a falling-off of 129,000 tons, or more than one-third of the whole of the previous export of coals. Thus they saw in the very first year of the operation of this tax that it had produced a decline in a branch of trade which gave employment to their shipping, and mining interests of not less than one-third. This, then, was the practical operation of the measure; and they were to remember that they were only beginning now to feel the effects of it. By this, foreigners were receiving the greatest encouragement to come into competition with us. And thus this duty, which it was supposed was to fall exclusively upon foreigners, fell exclusively upon our own shipping and coal-owners. This, then, was the effect of these measures. He asked the House, whether they would persevere in this course of policy? He asked them whether they were to go on thus imposing taxes, which, like the Income and the Coal tax, pressed severely upon production? Were they to go on imposing taxes which were equally injurious to other trades—such as for instance, his hon. Friend the Member for Yorkshire stated, as to the duty on foreign wool? Were they, he asked, to do this, and not endeavour to find out some other resource? Their present situation, he hoped. would attract the serious consideration of that House and the country. He agreed in the opinion expressed by the right hon. Member for Portsmouth and the noble Lord the Member for London, that however strong might be their objections to the Income-tax, still it ought not at once to be repealed, because he felt the great inconvenience that must follow from the frequent changes of taxation, and that an immediate repeal of that tax must be inexpedient. But not doing this, still he would tell the House what he thought they might, and what he conceived they ought to do. He thought that they ought to repeal some of those taxes which had been objected to, such as the duty on foreign wool on the export of coals, upon Irish spirits, and such taxes as those from which they only derived a comparatively trifling amount of revenue, and were found to be directly injurious to the best interests of the country. They ought to adopt such measures as would have the effect of increasing their revenues, of relieving industry, and increasing the consumption of articles which would be found productive to the revenue. If the House wished to get rid of these burthens, the time, he thought, had come when they must look to those taxes that produced little or nothing to the Exchequer. They saw all their attempts to increase the revenue by high duties had failed; whereas an opposite effect had followed when they attempted to diminish the differential duties. In that case, all their efforts had been attended with success. Even in coffee on which they levied a monopoly duty of 100 per cent in favour of their colonists, even there, where there was but a slight improvement on the former state of the law, still the right hon. Gentleman, who had calculated that there would have been a loss of 170,000*l.* to the revenue, now found that the loss was but 40,000*l.* When there was a step—a small one— in the right direction, the loss was not one-half as much as had been expected. If they had taken a bolder step, if they had adopted a more fair course, if they had reduced the duty on foreign coffee 6*d.*, the consequences must have been a greater extension of British trade, and greater advantages to the British consumer. Let it be supposed that they went on in this way, there were several important articles on which they might so deal without the smallest apprehension of the slightest loss to the revenue. His right hon. Friend had alluded to that most important one, the article of sugar. They ought to do so for the sake of the revenue and the trade of the country, and for the purpose of relieving that distress which now pressed upon the population. He might remark, that the duty on foreign sugar was 63*s*., and on British sugar only 24*s*. Now, he would venture to say that if they made a large reduction of the duty on foreign sugar, if they brought it down to 30*s*., so far from there being a loss, there would be a gain to the revenue quite sufficient to pay for the repeal of the tax on coals and on wool, and be at the same time a most invaluable accession to the British trade and British manufactures. This was the policy which he hoped the House would pursue, and that her Majesty's Government would adopt. He did not ask them to repeal the Income-tax, until the state of the revenue would enable them safely to dispense with it, and without a large taxation in lieu of it. This was not what was desired, but that they would apply themselves boldly to enforce those principles which her Majesty's Government in theory so ably advocated. Let them, he said, deal with the differential duties, and thus give a new impulse to the industry of the country. Let them do this, and then all branches of the revenue would recover their ancient productiveness. The customs, excise, taxes, all would be increased, and with that increase they would shortly be in possession of such a surplus as would admit of a repeal of the Income-tax. But if the House were bent on upholding a system, which it might call a system of protection, but what he called a system of monopoly, if the House were bent upon upholding that system—then they might lay their account that there would be no reduction of taxation in future years, but a still further demand upon the people. They would, in adhering to that system, be pursuing a most unwise course, and instead of aiding the productive industry of the country, they would be compelled to have recourse to further taxation, and this with the worst effects. The folly of such a proceeding could only be compared to the conduct of the boy in the well-known fable, who, in the hope of realising an immediate gain, killed his goose that laid the golden eggs. That was, in his opinion, the policy which her Majesty's Government was pursuing. He hoped that the House and the country would feel that the time had come when every interest which supposed that it gained by protecting itself, lost much more than it gained by the protection it was obliged to give to other interests. He trusted that the House would take an enlarged view of this subject; that reducing all taxes not imposed for the purposes of the revenue alone, they would at length relieve the industry, and be able to supply more than was required for the exigencies of the public service.

Mr. *Liddell* could not refrain from reminding the House and the noble Lord who had just spoken of the reason which had induced himself, and others connected with the coal-trade, to give their support to the Government in the imposition of the export tax on coal. The first proposition of the Government had been to impose a tax of double the amount to that eventually agreed upon, and the coal owners and those interested in the trade had been prepared to resist that proposal. But when the Government had stated its intention to concede one-half of the proposal, it had been determined to ceae opposition to the proposition, and aftera conference with the Members of the Government to adopt the modified measure. With respect to the tax itself, his opinion remained the same as it was originally. He believed it to be an injudicious and impolitic tax; and that the effects of it fell on the shipping interest. As far as his information went, the receipts from the tax were not more than one-half the sum expected, and the detriment accruing from it was greater perhaps than was imagined. With regard to the post-office arrangements, he hoped that the benefit of them would be extended to the rural districts. In the county he represented, large bodies of people had been called into existence in remote spots by the sinking of mines, and he trusted that they would be enabled to receive the advantages accruing from improved post-office arrangements. With regard to the statement of the Chancellor of the Exchequer, he derived more hopes from it than hon. Gentlemen opposite. The defalcation in the Excise had been adverted to; but a large proportion of that arose from a deficiency in the malt-duty; and, he believed, from what had been stated, there was no likelihood of the recurrence of such a deficiency. Another cause of deficiency was the strike and suspension of labour in the manufacturing districts, but the improved prospects in the manufacturing districts afforded a well-founded hope of an increased revenue from the manufacturing population.

Mr. *Hutt* was glad to find, that his opinion with regard to the impolicy of laying an export duty on coals was at last confirmed by the authority of the hon. Member opposite (Mr. Liddell). It had been productive of great evil, and the result of the duty was only to give 80,000*l.* to the revenue. It had been said, that the right hon. Baronet opposite would live well in history. He did not mean to contradict that statement, but of this he was sure also—that the right hon. Baronet would live well in the memory of the coal-owners on the continent of Europe, the value of whose property he had increased by forcing foreigners to make themselves independent of the supply of coal from this country. If the present tax continued, the right hon. Baronet would be remembered as the man who destroyed the export trade in coal. There was one point on which he desired to put a question to the Chancellor of the Exchequer. Many persons, looking at the high price of funds, were of opinion, that the time had come when the right hon. Gentleman should undertake to reduce the 3½ per cents., and now that the financial statement of the right hon. Gentleman was being considered in committee, he wished the right hon. Gentleman to state explicitly whether it were his intention to adopt any measure of that description in the course of the present year?

The *Chancellor of the Exchequer* said, the hon. Gentleman had put to him a question which he could not have anticipated, and it was one which, of course, could not be answered satisfactorily at that moment. He should feel himself bound to reserve to himself his own opinion, and perfect freedom of action according to the circumstances of the country; but it was impossible for him to answer a question as to what might be contemplated, or, indeed, what might be possible on such a subject. The right hon. Gentleman (Mr. F. Baring) had put to him incidentally a question with respect to rural posts. He could assure the right hon. Gentleman that the subject was not one which had escaped the attention of Government, or with respect to which they were not disposed gradually to introduce considerable improvements. It was perfectly true, that when the right hon. Gentleman quitted office, he left behind him a minute stating in general the propriety of adopting rural posts. The first step taken in consequence of this minute, and he believed before the right hon. Gentleman quitted office, was the commencement of a map with all the different unions marked out on it, as well as the spots where it would be desirable to form rural posts, and the completion of this map necessarily occupied a considerable period. Then it was to be considered, that there were certain positions in which it was quite clear that such a division of the country would not altogether contribute to general convenience; and that the general measure would entail great expense, at a time when there was a deficient revenue. It was, however, determined to make a selection of those places in which rural posts might be established with the greatest benefit to the particular communities requiring them, and though the selection had been attended, from a variety of causes, with more delay than he could have wished, the subject was kept in view by the Government, and it was proposed gradually to introduce posts in places where they might be necessary.

Mr. *Bell* could corroborate the statement made by the noble Lord (Viscount Howick) and his hon. Friend (Mr. Liddell) as to the injurious effects of the coal-tax, and was perfectly satisfied, if it were not repealed, the foreign coal trade would be destroyed. It would be impossible for the coal-owner to compete with the foreign producer in foreign markets, unless the tax were taken off; and the carrying trade, as far as that article of commerce was concerned, would be irreparably ruined. The exports had fallen off to the extent of 202,108 tons, in the year 1842, as compared with 1841, a proof of the injurious effects produced by the imposition of the tax; and he was quite satisfied if it was persevered in, that the annual falling-off would be still greater every year. The tax, however, pressed not alone on the coal-owner; it also pressed heavily on the ship-owner. The reduction in freight between England and foreign ports was enormous, since the imposition of the duty, all of which fell directly on the ship-owner, and indirectly on every branch of trade with which the ship-owner was connected. He hoped, therefore, that the right hon. Baronet would not persevere in the tax upon exported coal.

Mr. *Labouchere* was glad that Gentlemen connected with the coal trade had taken up the subject of the tax on coals, and he fully concurred in the observations that had been made against it. He hoped that when it was found that a tax operated in such a manner as to limit the export of articles, that the Government would retrace its steps, and remove that by the imposition of which so great an evil was effected to our commerce. It might be our policy to secure to ourselves a monopoly of certain articles, but experience might teach us that such policy was a dangerous one. Witness the result of the measures adopted by the Neapolitan government in reference to the export of sulphur. The government thought it had a monopoly of the sulphur trade in its own hands, and took advantage of that supposed circumstance to impose a heavy tax upon the commodity. This measure for a while was viewed with apprehension and alarm, and created the greatest consternation among the manufacturing interests of the country. But what took place? Necessity is the mother of invention. The manufacturers set to work and discovered a new process, whereby they can procure this necessary article of consumption from our own products. The consequence is, that about one-half of the amount of sulphur now consumed is procured, not as formerly from Sicily, but manufactured in various places from pyrites of iron. He hoped that the lesson taught by this would induce the Government to take the matter of monopoly into their serious consideration. But he had little hope that they would. For himself, he shared largely in the feelings of disappointment expressed by his Friends near him, that the Government did not seem prepared to carry forward measures of reform in commercial legislation. He fully agreed in one point with the Chancellor of the Exchequer, and was not disposed to take a gloomy view of the future fortunes of this country; for, with the resources which we have unquestionably at command, if we were true to our own interests, and gave practical effect to those principles, which reason and experience alike teach us to be the only safe foundation for our commercial system, this country would yet, despite of the unfavourable aspect which affairs wear at the present, maintain what she had always hitherto enjoyed—the first rank among commercial nations. But still she could not afford to throw away any advantages. He should deeply regret, as much as any one could, to see the Government embark on any course of legislation, tending, in the least degree, to jeopardize the credit or finances of the country. Although desirous to witness as speedy a reduction of duties as was compatible with the safety of our varied interests, he did not ask for any hasty alteration of taxation. He was opposed to the imposition of the Income-tax when that measure was first brought forward by the Government, but considering the present condition of the country, and considering that it was now in operation, he certainly would not advocate a repeal of that tax during the present Session of Parliament. But he would ask the Government to have recourse to those means which, if judiciously applied, would at once relieve the country, and which, if immediately adopted, as they might be with perfect safety and advantage, would act as a relief to the consumer as well as to the commercial classes. Sorry, then, was he to learn, from the distinct information which had been given by the Government, that it contemplated, for the present, no alteration in the duties on sugar. When he remembered the statement which had been made in the last Session of Parliament by a Member of the Government, that this was a measure which was likely if properly approached, to contribute more than any other, to afford substantial relief, in the depressed state of our trade and manufactures; he could not but exceedingly regret, that, if such were the case, instead of this substantial relief being immediately afforded to the country, it had been intimated that it should not be considered this year. The consequences of this delay have already been calamitous. Our attempted negotiations with Brazil have entirely failed. With this prospect before us, and the certainty that our failure there was occasioned by our own restrictive measures, he deeply regretted that the Government seemed still indisposed to modify the duties on sugar. He did not undervalue the commercial reforms of last year; on the contrary, he was happy to be able to bear testimony to the many benefits they had conferred. But the Government stopped short too suddenly in its career of reform. If it had dealt wisely with the two articles of corn and sugar, it would have done far more for consumers and for the country, than by all the other measures of reform and modifications it had introduced. The same might be said with regard to the timber duties. The duties on this article had been dealt with in a manner sufficient to satisfy the country, that the Government did not intend to extend relief to the consumer; but rather to keep up a discriminating duty in favour of the colonies, and so it was precisely with the sugar duties. He found that sacrifices were demanded from the nation by those whose interests were concerned in the maintenance of monopoly, and these sacrifices would be made to keep up the discriminating duty in favour of colonial sugar. If that was to be the manner in which we were to conduct our commercial reforms, we should succeed in rapidly drying up all the sources of our revenue flowing through the customs, and we should speedily be driven upon that system of direct taxation to which the tardy and illiberal measures of the Government were rapidly impelling the people of this country.

Sir *Robert Ferguson* would detain the committee a very short time, while referring, as briefly as possible, to the question of the additional duty on Irish spirits, from which the Government had expected an increase to the revenue of 250,000*l.* a-year. The Chancellor of the Exchequer had that night spoken as if he had obtained an increase of 56,000*l.*, and the Member for Portsmouth (Mr. Baring) as if the increase had been 40,000*l.*; but he must remind the committee that the Chancellor of the Exchequer had carefully left out of sight the quarter ending the 5th of April, and it would appear that the produce of the spirit duty in Ireland for the year ending April 1843, was absolutely less than that ending in April 1842, by nearly 8,000*l.*; or, to state it more fairly for the Government, if from 243,948*l.* the revenue derived from Irish spirits for the quarter ending April, 1842, there were deducted 19,226*l*, for the 384,533 gallons on which the additional duty of 1*s.*, imposed on the 10th of March, 1842, had been paid, the revenue for that year, assuming that all the spirits consumed had paid 2*s.* 8*d.* duty, would have been 870,524*l.*, while that for the year ending April, 1843, was 882,489*l.*, being a miserable increase of 11,965*l.* in that most favourable point of view. But the right hon. Gentleman the Chancellor of the Exchequer had argued that a diminution in the consumption of spirits in Ireland was not an uncommon matter in Irish finance, and that the revenue was affected by the temperance movement; but the great effect of the efforts of Father Mathew was felt in the years 1839, 1840, and 1841, in which latter year he visited the counties of Leitrim, Donegal, &c. In the quarter ending October, 1841, the diminution was only 60,709 gallons: in that ending January, 1842, 44,251 gallons; while in that of the 5th of April, 1842, there was an increase of 43,403 gallons over the corresponding quarter of the preceding year, which was pointedly alluded to in the financial statement of the right hon. Baronet (Sir R. Peel), last year; but what had been the returns of consumption during the year ending April 1843? In the July quarter there was a diminution of 412,998 gallons; in the October quarter, of 402,300; in the January quarter, of 422,998; and in the April quarter, of 477,605; making a total decrease of 1,715,901 gallons, against 301,652 in the preceding year. So much for the effects of the new duty on consumption. The right hon. Gentleman could not account for this by the spread of temperance, which had extended into no new district during this period; but that it must be attributed almost entirely to illicit distillation was proved by the returns, which gave 684 persons convicted of offences connected with illicit distillation during the last six months, and 368 persons in the gaols in Ireland on the 5th of April last, being a larger number than had been in them for those offences on the same day during any one of the last nine years, or since the repeal of the high duty in 1834; and all this misery and demoralization had been occasioned by a change, producing under the most favourable mode of stating the account, not 8,000*l.* a-year. At that late hour he would not enter on the question in respect to its effect on the morals of the country; but the subject must again be brought to the attention of the House before the conclusion of this Session.

Mr. *Milner Gibson* said, it had been the habit of some right hon. Gentlemen to take advantage of the slightest indications of delusive prosperity in the manufacturing districts, to paint too highly the state of those districts, as a reason for making no further changes in the import duties of the country. He would allude to what had been made by the hon. Member for Yorkshire (Mr. S. Wortley), on the great importance of taking off the cumbrous duties, which now acted as a serious drawback upon the importation of the raw material. It had frequently been admitted in the House that a prudent policy dictated the immediate abolition of these imposts—but the matter had hitherto been met, when pressed upon the Government, with some ready excuse. There was no excuse, now, however, which the Government could assign as an impediment in the way of the reduction of the duties on raw material. It was now in its power to secure an efficient increase to the revenue by reducing the import duties on raw cotton. By this means new sources of revenue would be opened to the Exchequer. The noble Lord the Member for London had said, and said truly, that by a reduction of the duties on sugar, new and lucrative sources of revenue would be opened to the Government. It would be absolutely necessary that something should be done to lower the duties on cotton; for, considering the competition which now existed between various parts of the world in the manufacture of that article, it was impossible that, with safety to our commercial interests, these duties could any longer be continued. The American was fast becoming a manufacturer, and he possessed immense advantages over the manufacturers of this country in the price of cotton. These advantages would render it impossible for us to maintain ourselves in many of the markets of the world, and more particularly the American market, if we persevered in keeping up the price of our manufactured goods, by the continued maintenance of a high duty on the raw material. We must, to ensure his safety in the markets abroad, give our manufacturer the benefit of an immediate reduction. What would the manufacturing districts say when they learnt the financial scheme of her Majesty's Government. Already were their prospects full of gloom and fearful apprehension, and the postponement of all expected measure of relief would tend to deepen that gloom and render their apprehensions still greater and less remote than they were. The right hon. Baronet at the head of her Majesty's Government had raised expectations in the manufacturing districts which the Government seemed to evince no intention of realising. He had heard that right hon. Baronet himself assert that it was objectionable in any Minister to excite hopes which were to end in disappointment, and yet the country had been entertaining the most sanguine expectations in regard to a reduction in the duties on sugar—expectations which the language of the Government itself had mainly tended to create. Mr. Ellis was sent out to Brazil to negotiate a treaty with that important commercial power; and we were told, that whether Mr. Ellis succeeded or not, it was the intention of her Majesty's Ministers to pay a due regard to the suffering interests of the consumers and traders of this country. Was the Government, therefore, not chargeable with the very objectionable procedure of exciting hopes in the country, which it cruelly disappointed, by refusing to remove those duties during the present Session of Parliament? The manufacturer was as directly interested in this reduction as he was in the removal of the duties on raw cotton. The one prevented him from entering the foreign markets in as favourable a condition for successful competition as he would otherwise be enabled to do; while the other part of our system of import duties, on the productions of foreign countries, prevented the cotton manufacturer from getting returns for the goods he might export. He would appeal to the Government, on viewing the whole case, in order to induce it, if possible, to move forward in this matter, and was sure that the rural Members who at present supported it would not withdraw their support, if the Government, in consideration of the suffering and depressed state of the country, proceeded to the immediate accomplishment of measures of commercial reform.

Mr. *Wawn* wished to ask whether Russian vessels loading coals in this country and carrying them to Russian ports, were chargeable with the same duty as our own vessels?

Mr. *Gladstone* replied that that matter had been referred by the Government to the law officers of the Crown, under whose consideration it now was. The pending treaty with Russia was postponed until their decision was known.

Captain *Jones* called the attention of the House to the fact, that they had gained 10,000*l.* on the spirit duties at the expense of placing 387 men in gaol for illicit distillation. It was a mistake to suppose that illicit distillation would be put down unless they returned to the 2*s.* 6*d.* duty.

Mr. *Ewart* wished to know whether the

same offer as was made to the Brazils to reduce the duties on sugar had been made to Cuba or Haiti? There was another subject to which he wished to call attention, he alluded to the proceedings of the commissioners on the Property-tax. People had been summoned from a distance, and kept waiting on them for many days. He had known many instances of persons losing a great deal of time, and suffering great inconvenience.

Sir *Robert Peel* thought it was better to reserve all discussion on the sugar duties till the subject came regularly before the House, when the Government would state its views. It was impossible for him to state to the House what propositions had been made to different countries, or whether any had been made. When the whole subject was brought forward, the Government would be able to state all the circumstances of the case with more advantage to the public service.

The *Chancellor of the Exchequer* assured the hon. Gentleman that the commissioners of the Property-tax performed their duties very carefully, and, obtaining no remuneration for their labour, were generally anxious to despatch their business as quickly as possible.

Resolution agreed to.

House resumed.

The House adjourned at half-past eleven o'clock.

ERRATUM.

Vol. LXVI.—Page 180.—22nd line from bottom, *for* " hon. Member for Wigton," *read* " hon. Member for Wick."

APPENDIX.

APPENDIX.

SPEECH OF THE RIGHT HON. LORD DENMAN ON THE "TREATY OF WASHINGTON," APRIL 7TH, 1843.

Speech, *p.* 673.

Lord *Denman* would not trouble their Lordships with any lengthened observations. He joined in the expression of satisfaction which appeared to prevail on both sides of the House at the settlement of the important difference between the United States, and this country, more especially with respect to the boundary question and the question relating to the ship *Caroline*, and was unwilling to murmur at the price by which that great good had been obtained. There were, however, expressions used in one of the despatches of Lord Ashburton with regard to the instructions which he recommended the noble Earl at the head of Foreign Affairs to issue to the governors of our colonies with respect to the mode of executing the laws with reference to particular exigencies, in the use of which expressions he (Lord Denman) thought the noble Lord had gone too far; because the laws must be executed according to their own exigency, and by their own authority. If any governor, under any instructions, were, for the sake of promoting any political or other purposes, to warp or distort the laws, that man would deserve to be impeached. He trusted, however, that nothing would be done in execution of this article, which could at all bind this country to give the slightest countenance to slavery in America, or in any other part of the world. The acknowledgment of the legal principle was indeed perfectly satisfactory that the English soil but touched by the foot of a slave, at once conferred freedom upon him. Even if the Ministers of the Crown should wish to violate this sacred principle, however powerful they might be, however great their majority, however triumphant their success, they never would persuade either House of the British Parliament to concur in the attempt. He could not refrain from alluding to an act on the part of the noble Earl which had been regretted as a retrogradation from the policy and principle adopted by this country in respect to the suppression of the slave-trade. A letter had been written which he (Lord Denman) had not been prepared to hear spoken of in the way in which it had been by the noble Earl. It seemed to him (Lord Denman) whether he looked at it as a question of injustice to an individual, or as a matter of importance to the public service, it became a question how far it was proper that such a letter should have been written. Some explanation was necessary, and he would avow for himself that he thought this great subject had never been regarded in its true light. Things should be called by their true names, and the slave-trade never mentioned but to be stigmatised as the worst of crimes. If this be so, the importance consequence is involved, that all mankind have the right to put it down.

It is more than a right; it is a duty. If we may arrest the arm of the murderer, when raised in our presence—if we may release the kidnapped man from his oppressor—we may unite to prevent the traffic in human beings. Every civilised nation had agreed that it was a crime that ought to be extirpated from the face of the earth, and the question that now remained was, by what means was this to be done. He would not enter into a distinction between the right of search and the right of visit. But he stood up for the right of prevention, and though sensible of the importance of co-operation with other powers, he maintained that every restriction imposed by treaty on that natural right, was a concession not lightly to be made. The state which required its subjects to act in defeating the slave-trade at certain times and places only, imposed on them the necessity of abandoning in part a duty incumbent on all men, but more particularly upon England, which owed retribution to Africa for the many years of wrong she had inflicted upon that unhappy country. It was quite clear to him that no other means for the suppression of the slave-trade, could in the present state of things, be so effectual as the employment of cruisers on the coast. He was happy to bear testimony to the fact, that there was not the slightest ground for believing that any British officer had been actuated by the system of bounty-money, to which objections had been made. But it was perfectly clear, that this came too late, for when the cargo of human beings was placed on board the vessel, half the mischief was done. She might escape to Cuba, or to the Brazils, where that infernal traffic was encouraged. Besides the very chase was generally accompanied by wholesale murder, by throwing overboard many of the victims, in order to lighten the vessel for escape. The great object then was to prevent the embarkation of the negroes from those barracoons upon the coast where they are regularly stowed, like other merchandise, for the purpose of immediate transportation, and if an officer happening to command on such a coast should strike out a new line of prevention, and acting on his own responsibility, but in strict accordance with the spirit of his orders, should make embarkation impossible, by releasing the Africans from these barracoons who would deny that such a man entitled himself to the approbation of his country? This had been successfully accomplished by an officer, who received the full approbation both of the late and of the present Board of Admiralty, (the hon. Captain Denman, of HMS *Wanderer*), and was shortly after promoted. He had the happiness of giving freedom to more than 900 of his fellow-creatures who were settled at Sierra Leone; a deadly blow was struck at the trade itself, not one drop of blood was shed. The factories were destroyed by the natives, the merchants who had been managing the traffic were conveyed in safety by that officer in his own ship to a port, whence a passage could be easily obtained to their own country. He said with pride that this conduct entitled the officer to whom he alluded to be regarded as a public benefactor. He (Lord Denman) had therefore felt no small surprise at reading in the public papers a letter bearing the noble Earl's signature, and addressed to the Lords of the Admiralty. Such letters are known to pass confidentially from the Secretary of State to that Board, and he should imagine, that when they appeared to affect individuals, they could only escape by being filched from its archives. The noble Earl's letter appeared to reflect on these proceedings, for it alluded by name to Gallinas, where they had been carried on. It suggested that new instructions should be given to the officers, as if their former conduct was open to censure. He ventured to think that any language susceptible of such a construction was highly inexpedient for the public service. He believed that the noble Duke, if consulted, would have strongly deprecated such a letter, and counselled him so to shape his exhortations for the future, as to avoid all condemnation of the past. The noble Duke well knew what injustice might otherwise be brought on individuals, and what discouragement to the public service. He knew that the noble Earl had no such intention, for he also had shown his opinion of that officer, by placing him on an important commission; and far from throwing any blame on his conduct at Gallinas, he had adopted that very conduct as the model for subsequent proceedings, and laid down the principles of that conduct as the rules by which others should direct their operations. But the general terms employed in this unfortunate letter were easily perverted to a different sense, and the best service ever rendered to the great object of suppressing the slave-trade, was misunderstood and falsely represented. The noble Earl ought to have expected this, from the eagerness with which all such hints are caught up by those connected with the slave-trade. Every document that can promote its nefarious interests, or scatter distrust towards all engaged in suppressing it, soon appears in every language spoken along the shore. It had even been used as fuel to that flame of ill sown jealousy, which had broken forth from the Parisian press. With regard to the 8th article of the treaty of Washington, he did not think this country was placed in a worse situation by its adoption, if we acted on the principles laid down in the despatch of the noble Earl (the Earl of Aberdeen) addressed to Mr. Everett, which had been justly admired in England for its clearness and cogency, and with which America could certainly find no fault. The admission that a cargo of slaves just torn from their country must be carried without interruption from England, if covered by American ownership, is no new admission of the noble Earl. He, for his own part, sincerely regretted that such a concession had been ever made, and he looked forward to the time as not distant when every nation would feel the duty of invoking all the assistance that can be obtained from any quarter towards the prevention of that odious trade. With these hopes, he was disposed to regard all the provisions of this treaty with favour, to hail the aid of an American squadron, and rely on the return of France to a faithful performance of her old engagements. Those great nations would scorn to have their national feelings converted into instruments of oppression towards Africa, and themselves betrayed into an alliance with the buccaneers who riot in pillage and bloodshed in those seas, and the still baser wretches who sit at home, without personal danger, employing their capital to foment the worst passions and most dreadful sufferings of mankind.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXVIII.,

BEING THE THIRD VOLUME OF SESSION 1843.

Explanation of the Abbreviations.

1*R.*, 2*R.*, 3*R.*, First, Second or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that Reading.*

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